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*In this issue, continuing our 3-issue study of United States manpower and defense needs, 7 specialists look at the function of Selective Service and its costs and consequences. Our first author notes that the Selective Service System "has met and solved all military manpower problems of a large and complex nature for more than a quarter of a century" and "at the same time . . . has protected the civilian economy." Defending the System, the director declares that it is "as clear an example as exists today of government of the people, by the people, and for the people."*

## The Operation of the Selective Service System

BY LEWIS B. HERSHEY

*Director, Selective Service System*

THERE HAS BEEN MORE untruth, misinterpretation and confusion published about the Selective Service System in the last five years than in the previous two decades. In spite of this, there seems to have been a popular recognition, reflected by the Congress, that much of the adverse comment was uninformed, confused, or even synthetic. The System has been probed and dissected, but the findings have not always been accurately or fully described. Some of the criticisms of the Selective Service System and a description of their true nature and the nature of some of the proposed alternatives are discussed here.

The allegation that Congress did not give adequate consideration to the question of extending the Selective Service System's authority to deliver men for induction was as unfortunate as it was untrue, tending to misinform the American public about the operations of the committees of Congress, and Congress as a whole. Members of the Senate

and House Armed Services Committees have a profound knowledge of the history, philosophy, organization and methods of the Selective Service System. They request and receive frequent reports on virtually every phase of Selective Service operations, often on a weekly basis. In addition, the Selective Service Act itself requires the Director of Selective Service to make an exhaustive report to Congress in writing once each year. Thus Congress and its committees can act quickly on Selective Service questions. Statements that Congress did not consider alternatives to Selective Service—an all-volunteer army, alternate civilian service, universal training or service, the various forms of national service, different sequences of selection and foreign systems—are not true.

### CRITICISMS OF THE SYSTEM

It has been alleged that the present Selective Service System permits "escape" from military service. In a highly restricted sense

this is true, since not all those who register serve in the armed forces. It is also true that not all available and acceptable registrants serve. But the implication that this is controlled or controllable by the Selective Service System is a serious distortion. Actually, the System does not have and never has had any influence upon how many men it delivers for induction; it decides only who is to be delivered for induction and who is to be deferred. If the Selective Service System declined to give a single deferment, still the numbers delivered for induction would not be increased.

The numbers in Class I-A do not influence the size of the armed forces or the size of the monthly calls. The word "escape" is really just a term applied by the critics to registrants who have to be deferred to reduce the resource of manpower to fit the calls. The number who will "escape" is a mathematical determination made by the Department of Defense before the Selective Service System performs its functions. In a sense each month the Selective Service System receives an implicit call for "escape," and the Selective Service System is expected to fill it selectively.

There can be only one alternative to "escape" and that is a large enough call for induction to accommodate virtually all acceptable registrants. Unless the problem is solved mathematically there will always be "escape," and it will be implemented by judgment, by sequence of selection, by lottery or some other method, but it will still be "escape."

The subject of uniformity in classification is also considerably less than fully understood. The Selective Service System has looked into the file in every alleged instance of the lack of adequate uniformity and it has repeatedly reaffirmed the knowledge that good, sensible classification does not produce what is often looked upon casually as uniformity. A few examples:

One local board in a city having four local boards deferred no teachers while the other three deferred teachers. Inquiry disclosed that the local board that had not deferred teachers had never considered the issue of

teacher deferment. It had never been asked to defer a teacher.

There were two teachers in another city. One was deferred and the other was not. The teacher who was not deferred was teaching subjects in an area where there was evidence of a considerable surplus of teachers.

One local board declined to defer a policeman although others in the same city deferred them. There was no shortage of police in the precinct under the jurisdiction of the board which had declined.

If all were deferred in a specific type of job or skill, it would immediately be stigmatized as a "draft haven" and the philosophy of the Selective Service law, that each case must be decided on its individual merits so as to preclude "blanket deferments," would be violated. Purposeless uniformity would be served but who, if anyone, would want such uniformity, particularly after it had imposed deferments where there were surpluses?

The Selective Service System has been criticized on the ground that the manner in which it operates creates a period of several years of uncertainty for the deferred registrant. I am astonished that this argument was ever broached. Obviously, those who are deferred could end the uncertainty at any time by volunteering for enlistment or induction. The real cause of their uncertainty is the international situation which may, or may not, require military service from more, or fewer, registrants. Any process has to adapt itself to conditions as they exist. To provide a false feeling of certainty would be a disservice to all.

In truth the real uncertainty is not that of those deferred, but of those in military service. The pretense of ignoring real uncertainty while championing pseudo-uncertainty is astounding. It is said with perhaps some validity that one reason there is concern about low-grade uncertainty is that in this protected life in the United States, some people have never had to face up to true uncertainty sufficient to harden their characters to meet the kind of uncertainty they may actually have to face.

A lack of fairness and equity has been

postulated. In nearly five years of desultory criticism in this regard there has been no description yet of what, in the opinion of the critics, would constitute fairness and equity. Those who have alleged unfairness or inequity have done so in terms of personal desires—a short-range viewpoint that discounts group needs. The fact that the armed forces cannot accommodate all registrants makes it unavoidable that they be treated differently. Not all can get in; not all can stay out.

This situation is not new. The question of who should serve when not all can be accommodated mathematically has been the problem of Selective Service since the close of the Korean episode more than 15 years ago. The System has solved this problem selectively, with a view to the good of the group, for more than a quarter of a century. The Selective Service System has never had the simple task of selecting for military service all of one major kind of registrant—farmers, engineers, teachers, carpenters, physicists, students, physicians, lawyers, or welders—although some advocates of “fairness and equity,” and certainly of uniformity, would argue that fairness, equity and uniformity could not be achieved otherwise.

Calls for military manpower do not come in quanta that match the numbers of a specific skill that might next be called as a group. There is no equity in free distribution of books to one who cannot read. There is nothing fair about being designated for military service to a man who does not wish to serve. There is neither fairness nor equity to the man who wants to serve but is rejected. “Fairness and equity” is a confused, elusive phrase except in terms of specific desires and only persons with similar desires could be expected to agree. The phrase “the many and well-known inequities of the present system” is neither profound nor analytical. It is a device in debate.

### **“RIGHTS” AND “PUNISHMENTS”**

There is a very basic misconception that has been read into the present Selective Service operation by some who have presumed that there are vested rights to deferment.

This concept assumes that the law, or the regulations, or uniformity, or equity, assures—or ought to assure—deferment to specific groups of registrants. They contend that a person who has been reclassified out of a deferred status has been “deprived of a right” or has been “punished.” This line of thinking, unless illuminated by the reality of law and fact, can lead to obtuse assumptions having to do with possible violation of constitutional rights.

The Selective Service law provides for the induction of all liable men, with a small number of specific exemptions, such as some aliens. The task that is delegated to the Selective Service System is that of deciding “when” the military service predetermined by law should be permitted to begin. The Selective Service System does not induct anyone. It permits to be inducted by law the numbers desired by the armed forces. There is, therefore, no opportunity for the Selective Service System to apply punishment, even if military service could be interpreted as a punishment, which by law and American heritage it cannot. Both describe it—and it has always been accepted—as an obligation and privilege.

Under the authority and responsibility given the Selective Service System by the law, no deferment can be given except for the general good—the national interest—not personal interest. The national interest may have a “right” to the deferment of a registrant, but an individual has no “right” except the right to military service to which he has been by law precommitted. When the Selective Service System ceases intrusion into the progress of a registrant toward induction, he is delivered for induction without further delay without any implication of punishment or penalty.

The issue of discrimination against minority groups has been mentioned. Discrimination in Selective Service judgment has never been pursued seriously as an issue, although statistics have been variously interpreted. The fact that the Selective Service System years ago discontinued all records of race has made it impossible to acquire Selective Service sta-

tistics. Consequently, only those of the Department of Defense are available for interpretation. They show a larger percentage of induction of some minority groups, but these statistics are meaningless because they represent the residue after the "available pool" has been ransacked by service recruiters.

If more whites are enlisted from the pool, those left are less likely to be white. Department of Defense statistics show enlistments to be disproportionately white. Those left in the Selective Service pool must, therefore, be disproportionately nonwhite. The number of Negroes serving in Vietnam has nothing to do with Selective Service operations. It is a consequence of Department of Defense policies, service policies, and disproportionate reenlistment rates.

The Selective Service System has also been accused of rejecting the wrong people. It may be that the wrong people have been rejected for military service, but not by the Selective Service System. By law, the Selective Service System is confined to the area of availability for service. The question of acceptability is delegated by law to the Department of Defense. The Selective Service System does reject a comparatively small number on further delegation by the Department of Defense. These are predominantly obvious cases: cripples, convicts and registrants whose mentality is clearly limited.

The rejection of athletes, high school graduates and traffic law violators for physical, mental or moral reasons are all the consequences of Armed Forces Examining Station action under criteria from the Department of Defense. It is not a Selective Service responsibility or function to exercise these judgments.

It has been suggested that perhaps an inequitable proration of calls may have forced some local boards to refuse deferment to a group of registrants different from those exempted by other boards. This is impossible because all calls must be prorated on the basis of the number of existent Class I-A's.

\* *Ed. note:* For discussion of these alternatives, see *Current History*, August, 1968.

## ALTERNATIVES TO SELECTIVE SERVICE

These are some of the criticisms which have been discussed without the benefit of full information. In this smoggy atmosphere, it has sometimes been concluded that almost any other operation would be more effective. Foreign systems have been reviewed; computers have been consulted; alternate service, national service, universal military training, universal military service, an all-volunteer mercenary armed force, a lottery, a different sequence of call—all these proposals, none of them new or novel, have been revived.\* Here again more knowledge would have been helpful.

The foreign systems had nothing to offer. It is evident that no form of foreign conscription would be acceptable in the United States. Novices in the field of conscription have conducted "studies" of foreign systems and have affirmed this fact.

Computers have been found to be highly expensive and complicated, compared to the present method, without contributing anything that could not be better accomplished under the present structure. There are two basic approaches to "computerization" of the Selective Service System. In one approach the computer would make blanket judgment when fed weighted facts. Human beings would have to weigh the facts first. In the other, computers would compile local and appeal board decisions statistically. The first was discarded in deference to the complexity of the problem. The second was too expensive for decentralized operation, and would add neither speed nor clarity. The use of computers would require restructuring the decentralized system. Some critics actually proposed that restructuring take place regardless of other consequences, including the need to insure the System's survival under conditions which might require widely decentralized operations.

Advocates of computer operations have been attracted by the possibility that draft calls could be filled by pushing buttons on a well-charged computer. Two aspects of the problem are generally ignored. First of all, pushing a button will not immediately pro-

duce an inductee. A man is entitled by law to a minimum notice of 10 days before the effective date of induction. He cannot be delivered for induction until 21 days after he has been notified of acceptability. This delay to accommodate the registrant has been attributed by some to the decentralized operations of Selective Service. It could not be eliminated by any device except one which would dehumanize registrants.

Second, even after orders for induction are issued, in many cases unforeseen developments require local draft boards to postpone induction, offer further deferment, or even cancel the orders.

### OTHER ALTERNATIVES

What of the other alternatives to Selective service? Much effort has been devoted to the possibility of equating various types of public activity with military service. The Peace Corps, VISTA and other similar programs have been analyzed for deprivations and hazards that might plausibly be equated with military service. In the traditional meaning of the term, "alternative service" describes the civilian work performed in lieu of military service by persons classified as conscientious objectors on the restricted, historical grounds of "religious training and belief." Other groups, some of whom have debated themselves into objection, would prefer some sort of civilian employment rather than military service, and have hoped they might be admitted to the special work privilege given conscientious objectors without meeting the qualifications prescribed by heritage and by law. Proposals for such an alternative have been considered by Congress many times and have always been rejected. A shift in congressional policy on this subject is considered to be least likely at a time when calls for military manpower are large.

National service generally implies the selection and assignment of virtually everyone to military or to some sort of civilian duty. The proposal was given its most thorough debate early in World War II, but at that time the proposal focused more sharply on the employment in civilian work of men who

had been rejected for military service. Present thinking generally proposes that the military and civilian sectors compete for the same people.

The all-volunteer armed force concept has been revived in the same atmosphere. The thought has been advanced that military service is an "implicit tax" on the individual performing it and that he should, therefore, be paid a wage somewhat equal to the tax. Here, too, there has been a tendency to ignore some aspects of the problem. Proposals of this kind seldom take into account the proven difficulties of maintaining an all-volunteer army, which might in effect become a mercenary army.

The American colonists enacted a wide variety of statutes to assure that security was shared by all declared to be liable, not just the poor and the willing. American philosophy has always been to keep the armed forces a part of, and under the control of, the civilian population and not to permit them to develop into a separate organization, as in some foreign nations, with military attitudes, interests and objectives.

Every new generation in the Department of Defense has tried to eliminate the draft. All efforts have been unsuccessful. Repeated increases in salaries to members of the armed forces have often been followed by reductions in enlistments rather than increases. The cost of buying the devotion of enough men for the relatively short time they would be young enough to perform effectively has been estimated at up to \$17 billion a year, depending upon how large an armed force is needed.

To mercenaries, service is a career. This may be appropriate for officers and specialists, but no nation can afford to permit the lower ranks to develop into an organization of men who might be older, less strong and less agile than a potential enemy. A mercenary armed force, motivated exclusively by financial considerations, might also be expected to capitulate to the highest bidder. A mercenary force, further, would not come equally from all geographical or political parts of the nation and its territories, or racial or religious or intellectual backgrounds, and would not,



therefore, be representative of the American people. The rich and wealthy would be exempted by circumstance. This would recreate by inversion the rejected practice of buying-out-of-service.

No realistic plan for quick expansion of a mercenary force to meet the demands of a sudden emergency has ever been proposed.

Throughout the period of inquisition, "study" groups were formed to examine "in depth" the various segments of the Selective Service System structure and its operations. It is unfortunate that none of these studies was productive. The statistical "studies" were exceptionally unproductive and valueless, but there were so many of them that an analysis of their aberrations and misinterpretations would be a project in itself.

It is also unfortunate that these studies paid little attention to the people who worked with Selective Service for years or who have reviewed alternative proposals. Selective Service "studies" were begun in a vacuum. Participants seldom had even rudimentary knowledge in the areas in which they were expected to give expert opinions and advice. While this had the distinct advantage of excluding prejudice, it had the disadvantage of clouding a distinction between truth and falsity, fact and fiction. The plausible was bound to appear factual even though it had no substance. For example: the story was told many times of the two college roommates who were identical in status: one was drafted and the other was not. This story sounds plausible because with more than 4,000 local boards, it would be likely that a difference of this kind could and would occur. However, every alleged occurrence of this kind has been checked and not one thus far has been found to be factual. (Each alleged case of two identical teachers, one deferred and the other not, has also been checked, and each has been found to be false.) The curious overriding condition at the time these allegations were made was that calls from the Department of Defense were extremely low in relation to the volume of registrants and, except as volunteers, few college students at that time were going into military service.

An example of statistical aberration is a "study" made of the comparative number of registrants initially placed by local boards in Class I-A, showing a high number in some boards and a low number in others. The conclusion was drawn that more men were taken into military service from some board areas than others. But this, again, was an error growing out of insufficient knowledge and understanding. The "study" ignored the fact that registrants classified in Class I-A do not necessarily stay in that classification. A review of the local boards involved in the statistical "study" showed that the extraction of military manpower was about equal between them. The statisticians had neglected to subtract the number of registrants removed from Class I-A.

This is not intended as a defense of the System. Its purpose is to emphasize that all allegations against the Selective Service System are suspect as to purpose until proven to be fact, and that phrases such as "the well known inequities of the present system" are mostly propaganda.

Of course, it is highly appropriate in a democracy to have every governmental program and agency periodically dissected and carefully scrutinized, so that the public can be informed and given an opportunity to reject, amend or confirm. It is also important to present all sides of each question and to represent all advocates. A less than complete disclosure is a disservice to the American public.

The present Selective Service System has attributes that should be examined along with its suspected faults. One is its effectiveness.

*(Continued on page 50)*

General Lewis B. Hershey was commissioned in the regular Army as an artillery officer in 1920. His connection with Selective Service began in 1936 when he became secretary and executive officer of the Army and Navy Selective Service Committee, a planning group. He was named Director of the Selective Service System in July, 1941—a post he still holds today.

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*In describing the many programs of training used by the armed forces, this expert points out that "the large majority of personnel entering the services must be trained in the specific skills required. . . . This education and training extends from basic literacy and remedial education in some cases to highly specialized instruction in electronic and communications systems."*

# Military Training in the U. S. Today

BY SAMUEL H. HAYS

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LIKE THE POLICEMAN and fireman, the soldier has long been with us. Our national security and the welfare of our social institutions in part depend on how well he has performed his job. Individual citizens or their property may be jeopardized by inefficient or ineffective policemen or firemen; but cities, provinces or even nations can be destroyed or conquered if soldiers provided for their protection prove incapable of performing successfully. One might argue about a national policy or purpose which leads to the use of military forces in this case or that, but the historical record is clear that the "price of liberty is eternal vigilance" and requires armed forces trained and ready to defend the country or to support its national policies.

The military profession as practiced in each of our services has certain distinctive characteristics which determine and mold its training patterns and procedures. Military service is rarely pursued for self-interest or profit, nor does it produce an identifiable product which can be assigned an economic value. The military contract has an "unlimited liability" clause under which the soldier, sailor or airman places his services at the call of his nation regardless of the degree of hardship or sacrifice this may entail. The terrors, perils and rigors of combat require a motivation, a group solidarity and the development of an instinctive response to a degree well beyond

that required in most types of civil employment.

Therefore, one of the fundamental purposes of military training is to reorient the attention of the recruit from himself, his own desires and problems to those of the organization, his teammates and associates. He must learn and accept, as his own, the values, standards and norms of the military society of which he is to be a part and prepare himself to make an effective contribution to his group or team. This means that while the trainee must learn many individual skills and acquire considerable knowledge, for the most part his military training is a process of group orientation and socialization designed to train individuals to perform as skilled members of a smoothly functioning team.

A second aspect of military training stems from the far-reaching effects of our modern technological society. Modern military organizations are largely composed of specialists skilled in a wide variety of occupational specialties. As the systems of communications and electronics, transportation, and weapons have grown progressively more technical and complicated, so have the skills of the men required to operate them. Even the spectrum of skills required of the ground combat soldier goes far beyond those required of his father 25 years ago. A breakdown of different types of military occupational groups made in 1960 described them as follows:

OCCUPATION	PER CENT
Mechanics and repairmen	25%
Administrative and clerical workers	21%
Electronics technicians	13%
Ground combat personnel	13%
Service workers	12%
Craftsmen	8%
Other technical workers	8%

A few recruits bring these skills with them from civilian life. However, the large majority of personnel entering the services must be trained in the specific skills required. This means that military training today contains a large and growing element of skill training in technical or specialized areas. This education and training extends from basic literacy and remedial education in some cases to highly specialized instruction in electronic and communications systems.

A third element in military training involves the development of leadership and managerial skills and ability. Military organizations, particularly those involved in combat operations, have requirements for a high quality of leadership beginning at the lowest supervisory levels. As modern weapons tend to decentralize and disperse operations of combat units, the burdens placed on the lower unit leaders increase. This creates a continuing requirement for the military training system to improve its leadership selection and training methods at both enlisted and officer levels.

A fourth characteristic of military education and training stems from its continuous nature. Changes in weapons, techniques, tactics, new situations all contribute to the requirement for continuous individual training. Heavy personnel rotation, individual promotions and advancement and the demand for a high level of organizational teamwork provide the basic requirements for continuous unit or team training. Thus all military services are essentially interconnected; educational and training systems provide highly diversified technical trade and educational courses coupled with organized teams. An individual who joins the service in any capacity can expect to begin at a service school and throughout his service will find

that the bulk of his time in organizational units will be spent in training.

Finally, the objective of this broad and continuing educational system is to develop and maintain a well-coordinated, disciplined and trained military force which can operate, employ and maintain the most modern equipment, communications and weapons, which can utilize the most technical means of obtaining the necessary military intelligence, and which can procure, store and distribute the supplies, ammunition, spare parts, food and fuel needed to maintain that force in operational condition.

### MILITARY TRAINING PROGRAMS

As is true in all major educational and training systems, military training begins with the induction and processing of the trainee and the initiation of his basic training at a military installation. Currently, there are over 15 military installations where basic training is being conducted by the Army, Navy or Air Force. While the process varies somewhat between the Navy or Marine boot camp and the basic training of the Army or Air Force, the objectives and methods are similar. These objectives, as seen by one Marine Corps training center, are to develop:

within the recruit a state of discipline which assures respect for authority and instant willing obedience to orders.

individual proficiency in basic military subjects.

individual proficiency in rifle marksmanship.

individual physical fitness.

individual self-confidence, pride, initiative, aggressiveness, determination, moral integrity, loyalty, a sense of duty and responsibility and a love of corps and country.

Carefully selected officer and enlisted trainers take care of the trainee as he begins a concentrated and intentionally stressful period of instruction. Both for purposes of hygiene and to expedite his orientation, the recruit is normally kept in quarantine for several weeks. During this time he builds friendships with others in his squads and platoon, learns to respond promptly to the instructions of his superiors, achieves an understanding of standards desired and begins to learn the skills and knowledge expected of the basic trainee.



The Army course of instruction of 352 hours includes command information such as military courtesy, character guidance and the Military Code of Conduct; general subjects such as weapons training with individual weapons, physical training and drill and individual tactical training marches and bivouacs. The course runs six to seven hours a day, about 34 per cent in the class room, 44 per cent in the field, the remainder in administrative processing. By the end of the eight weeks the trainee is expected to be able to pass training tests indicating that he is qualified as a basic soldier.

Since a high percentage of the personnel required by a unit needs specific training in a specialty, the process rarely stops with the initial eight weeks. Carefully selected trainees who have demonstrated some leadership aptitude are sent to special two-week leadership courses so that they will be able to assist the NCO trainers as squad leaders or platoon sergeants during the next phase of training. This second phase is known as advanced individual training or military occupational specialty training. This phase, also normally of eight to nine weeks duration, consists of a course of instruction designed to equip the basic soldier with a specific military occupational specialty needed in the unit to which he will later be assigned. Based on his previously demonstrated skills or aptitudes, he might be selected to be a light- or heavy-weapons specialist, a tank driver, radio operator, cook, vehicle mechanic, clerk, typist, electronic equipment repairman, hospital technician, or any one of the occupations in the 55 career fields open to soldiers.

As in basic training, the instruction is intensive and thorough, with leadership graduate trainees acting as the junior noncommissioned officers and selected officers and senior noncommissioned officers conducting the training and instruction. While the larger proportion of advanced individual training is completed in eight weeks, many special courses take much longer. Courses in electronic maintenance and repair, mines and demolitions, technical medical courses, may take from six to nine months. Because of the

extended schooling time required in highly technical areas, trainees who take them are normally selected from those volunteering to serve a minimum of three years.

Upon completion of his basic and advanced individual training, the soldier will report to his unit, where he is integrated into a military team. Assigned to a specific position in his unit he will learn to integrate and utilize his skills with those of others in developing unit teamwork. All military organizations operate on master training programs which progress from basic unit training at small unit level, the squad, platoon or crew, on to much larger units that bring together organizations of more than one branch of the service. Training exercises, on-the-job training, periodic refresher courses and training tests are repeated not only to improve levels of individual performance but to identify weak areas and to assist in blending the skills of the individual into the effective performance required of the unit. In the Navy, for instance, this phase of training begins with individual ship exercises in which the novice seamen learn to take their places as members of the crew and proceed to multi-ship exercises and to task force exercises involving vessels of different types.

Large-scale exercises are conducted to provide practice for the many mutually supporting Army combat teams and to bring higher headquarters, communications, maintenance and support organizations into a realistic simulation of their normal combat or support functions. As weapons systems, tactics and techniques have become increasingly complex, the amount of training required to perfect military unit teamwork has increased. Since personnel turnover within military units is continuous, the annual training cycle must include a substantial percentage of refresher training to maintain the levels of effectiveness in squads, platoons and sections as well as the teamwork in companies, battalions and higher units. Whether or not the unit is committed to combat action, the training of individuals and units must be continuous.

As men leave a unit and new men arrive, inevitably some are sent to special schools to

learn skills which may be required in that unit's operations. Hence a soldier initially trained as a clerk might be sent to an intelligence specialist school if assigned as a clerk in an intelligence office, while a member of a communications section might be sent to a special communications school to prepare him to fill a higher position in his organization. Similarly, those who have shown leadership ability are frequently sent to noncommissioned officer schools to improve their leadership techniques, ability as instructors and self-confidence in directing and influencing others. In 1968, the Army has over 33,000 men receiving noncommissioned officer or special skill training.

In addition to specific military training and technical courses, general educational courses are available on a voluntary or an involuntary basis. Every military base with a prescribed strength must have an education center and a trained educational adviser. These centers provide elementary education for those who have not completed the eighth grade, and high school and college subjects, including foreign languages, for those desiring to continue their education. Since many military duties require certain standards of literacy and educational background, the service may require some of its personnel to take such make-up courses on duty time. The larger percentage attend on their own time and get credit for those courses which they satisfactorily complete. Several universities conduct classroom courses on military posts, primarily overseas. These courses, coupled with those available by correspondence through such agencies as the United States Armed Forces Institute, have enabled thousands of students to attain college degrees. In 1964, more than 1.5 million enrollments were recorded in these programs.

### OFFICER PROGRAMS

As we have previously noted, leadership and managerial training is a continuing preoccupation of the military services. Officer training can be roughly divided into pre-commissioning and in-service training. Pre-commissioning training is divided generally

into three different types: the service academies of the three services, reserve officer training programs, and officer candidate programs. While officers of certain technical or specialist categories such as doctors and lawyers are procured under somewhat different procedures, the vast majority of officers are obtained through these three systems.

The three service academies of the Army, Navy and Air Force take in about a thousand cadets each year and provide them with a broad undergraduate education in the arts and sciences, together with specific professional military education and training designed to meet the needs of the specific service. The curriculum and educational levels attained are equivalent to those of our leading undergraduate colleges, while the military training combines the basic and advanced individual training offered by the military training centers plus additional professional officer type training comparable in some respects to that provided ROTC students or officer candidates. These academies produce a significant proportion of the annual service intake of regular officers. They are prepared to undertake graduate training in either engineering or social science fields later in their careers. Between 50 and 70 per cent of the graduates take such programs within a few years following their graduation. Entrance to the academies is either by means of nomination by a senator or congressman or by competitive selection by the service secretary from among members of the active forces, the reserve components, or other specified groups. Each service conducts a service academy preparatory school to prepare its members to compete for the number of available vacancies.

Reserve officer training programs are conducted on about 300 college campuses around the country. Some programs are associated with military colleges such as Virginia Military Institute, The Citadel, or Texas A & M but the majority are offered in essentially civilian colleges and universities. There are two broad types of programs, those providing full tuition support, for which selection is competitive, and those which provide more

limited support and which have less stringent entrance requirements. The first system is limited to a select number of students who are interested in obtaining a regular commission and who agree to serve a minimum of four years as officers after graduation if they are commissioned.

The second system, graduating larger numbers of officers—some 18,000 annually—provides the major input of reserve officers for the services. Some institutions, generally land-grant colleges, have mandatory two-year ROTC requirements; in the remainder, ROTC is voluntary. The ROTC program is largely an elective addition to whatever academic program the student may be pursuing. The programs normally consist of a two-year on-campus basic program, a six-week summer camp, followed by a two-year on-campus advanced program leading to a commission. In the Army, a student may substitute a summer camp for the two-year basic course. Graduates of the ROTC program are commissioned in a reserve component and are required, if called, to serve on active duty for two years and in a reserve unit for four. All ROTC graduates for the past five or six years have been called to active duty. In addition to scholarship students, outstanding students in the regular ROTC program are designated as distinguished military graduates and are offered commissions in the regular service. Over half of the annual intake of regular officers for the services comes each year from these ROTC programs.

Officer candidate programs are conducted to fill the annual requirement for officers above that provided from the service academies and ROTC programs, as well as to produce flying officers for the Navy and Air Force. Officer candidates are chosen from those who have enlisted for active service, who pass qualifying examinations and who desire to serve as officers. Since educational background and maturity are important to successful performance as officers, preference is normally given to those who have graduated from college or who have one or more years of college experience. Candidates are assigned to OCS after the completion of their

basic training and then undergo a four-to-six-month program of instruction in military tactics and techniques, military administration, communications, maintenance and leadership, designed to prepare them to fulfill the military duties of a junior officer in a branch of the service. A significant percentage of those who enter fail to complete the concentrated, stressful course. Graduates are required to complete a specified term of service which varies among the services depending upon the length of the course of instruction and the specialty pursued.

As is true in the case of enlisted personnel, the officer does not complete his education and training upon his entrance into the service as a commissioned officer. Each service has an extensive educational and training system designed progressively to prepare each officer for his gradually increasing responsibilities and duties. Basic branch schools which provide courses of instruction in the techniques and knowledge required in a particular branch or service lead on to staff colleges, which prepare students for duties on higher staffs, or war colleges, which offer the military equivalent of the Ph.D. in preparing students for duties of the highest responsibility. In addition there are a large number of specialist courses of varying length in such subjects as communications, intelligence, psychological warfare, atomic weapons, aviation, systems analysis and management, which are conducted at military training centers. These courses are supplemented by opportunities for graduate training in civilian education in a wide spectrum of subject matter from civil engineering to international relations. The average career officer will spend at least three years of his commissioned service as a student in either Army or civilian schools.

Since many officers and enlisted men find that they require additional knowledge and background for their current assignment or an anticipated assignment, each of the services provides correspondence courses. At any one time about 900,000 service men or women are taking upward of 2,700 different courses by mail from service schools. The courses are graded and satisfactory comple-

tion is indicated by a certificate entered in the official files.

How effective are our military training programs? Do the training programs provide the quality of personnel with the skills and knowledge required by the armed forces? One answer with regard to the ROTC can be derived from a 1964 analysis of several groups of national leaders. From a relatively small number of college graduates who had taken ROTC, about five per cent, came 24 per cent of the governors of our 50 states, 15 per cent of our ambassadors, 10 per cent of our congressmen and 28 per cent of the top executives in business. From this one might deduce that military training did assist in training leaders. From the nation's point of view, the answer to such a question is most readily found in the performance of our armed forces in Vietnam. General William C. Westmoreland and his senior commanders have been more than satisfied with the quality and capacity of the trained personnel provided them. It has been repeatedly stated that the performance of our fighting men in Vietnam has been of higher quality than in any previous war.

### **MILITARY TRAINING AND THE INDIVIDUAL**

Many young men, and their parents, too, suffer from apprehensions as to the possible effect on the individual of prescribed military training and its regimented environment. Such apprehensions run the gamut from fears of developing aggressive or authoritarian attitudes to the nameless fears of possible associations with undesirable companions.

When a young man enters the service he is influenced by his associates in much the same way as in boarding school or college. When cut loose from the ties of his home and local community he must find sources of individual support and identification in his new environment. The young trainee will find that his associates are drawn from a rather large sample of American society. Recent data indicates that only two groups have in the past been under-represented in the military service: those pursuing graduate degrees and those with less than eighth-grade educations.

Recent policies have been adopted to correct this situation. On the other hand, the average trainee is in good physical condition and has had three or more years of high school, has not been guilty of any serious crime, and does not use narcotics. In fact, he is not too different from the average freshman entering college. Those unable to attain sufficiently high scores on the mental examination or who are rejected for physical or moral deficiencies are not enlisted. The insistence on high standards for military selectees provides some assurance as to the caliber of their associates.

Perhaps the most important effect on the individual trainee lies in the reorientation from concentration on his own desires and needs to the needs and requirements of his organization and his peer group. Concepts of duty, responsibility and reliability in performing his assigned tasks are presented to him in a variety of ways. He is obliged to conform to the group-oriented values of his military environment by group pressures as well as by the rules and regulations enforced by his leaders. By learning to adapt to this environment, the trainee is developing his capacities to adjust to similar requirements of organizational life in his later civilian occupation, since the qualities, traits and response desired by the military are not unlike those expected in industry, education or business.

However, enforcing conformity to group standards or requiring uniformity of dress does not eliminate the trainee's individuality, his opportunity to express himself, or his chance to exercise initiative, as anyone familiar with the American soldier will attest. Once accustomed to military discipline, the trainee finds that traits of initiative and innovation are as highly prized in the military or-

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*In discussing the monetary wastes involved in conscription, this economist points out that "The more intensively they [the Armed Forces] train a recruit, the more valuable he is within the armed forces . . .," but since the trained man can command higher wages in the civilian sector, ". . . in the armed forces the retention rates are lowest among the highly skilled and semiprofessionals."*

## The Role of the Armed Services

BY WILLIAM B. CLATANOFF, JR.

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THE PRIMARY FUNCTION of the military establishment in the United States is to provide for defense and national security.\* To accomplish this, the armed forces combine men and materiel in a force capable of deterring nuclear aggression, controlling brushfire wars and protecting United States interest abroad. Although some critics question the efficacy of either a peacetime army or an offensive potential, manpower must be procured and utilized for United States defense.

The Army, Navy, Air Force, and Marine Corps determine that a certain level of manpower must be available to them to fill their assigned roles. What factors influence the quantity and quality of military manpower?

In the 1960's, the demand for military manpower has changed not only in size but in composition. The armed forces of the United States have reorganized the tradi-

tional American military system. Modern technology and an overwhelming need for specialization now dictate the use of over 1,500 distinct enlisted occupational specialties within the four services. During the Civil War and the Spanish-American War, approximately 90 per cent of all the members of the armed forces were classified as general combatant soldiers.<sup>1</sup> By the end of World War II, only one of twenty enlisted men was classified in the electronics, technical or mechanical skill groupings. By 1963, these three groups alone accounted for approximately 47 per cent of all enlisted jobs. These occupational groups, as well as many administrative specialties, generally require higher mental aptitudes and longer periods of training. In contrast, the less technical aspects of the military services, such as ground combat, crafts and services, now comprise only one-third of all total enlistments, as compared to over one-half in these categories at the end of World War II.<sup>2</sup>

### THE SUPPLY OF OFFICERS

The importance of officer procurement programs to the armed forces may be seen in the numbers of men involved. In the peacetime years, 1962 to 1964, when the total strength of the services remained relatively stable, the number of newly-commissioned officers never fell below 41,000; and in times of limited warfare, such as our current in-

\* Note: This article draws on information developed by the Military Training Study at the University of Maryland. The Study is sponsored by the Ford Foundation and the United States Office of Education, but neither is responsible for the statements herein. The author wishes to express his appreciation to the above and to Jacob Benus, Sharon Meiselman, and Dr. Paul Weinstein for their aid.

<sup>1</sup> Harold Wool, "The Military Specialist," unpublished Ph.D. dissertation (Washington, D. C.: American University, June, 1965), pp. 27-33.

<sup>2</sup> Norman S. Paul [Assistant Secretary of Defense (Manpower)], Statement before the Senate Subcommittee on Employment and Manpower, November 12, 1963, pp. 3-4.



vovement in Southeast Asia, new officer accessions are expected to average approximately 60,000 men per year.

Two factors influence the supply of first-term military officers: 1) financial gain and 2) a desire to avoid the draft. Financial gain, evidenced in higher military benefits including salary, payment in kind, and tax gain, has a varying effect upon the number seeking commissions, depending upon the individual's perception of his potential civilian wages. Studies have revealed, however, that in officer programs there seems to be a relatively low response of enlistment rates to pay.<sup>3</sup>

Conscription also influences officer supply. The draft effect on officer procurement is substantial. For example, enrollment rates in ROTC dropped sharply in 1957 when the six-month reserve program became available to men of college age. Similarly, when the executive order of September, 1963, offered married men a virtual exemption from draft liability, enrollments in Officer Candidate School and Aviation Officer Candidate classes had a 41 per cent decline in married candidates while the single candidate enrollments remained virtually unchanged.<sup>4</sup>

The number of officer accessions required by the services is related not only to the losses due to retirement or exit from service prior to retirement, but also to changes in active-duty force levels. Approximately 40,000 newly commissioned officers are required each year merely to replace the losses due to service exit. Therefore, any increases in the active duty strength of the armed forces will require additional officers above this 40,000 level. Certain officer procurement programs, such as those of the military academies or ROTC, are unable to meet changing requirements for officers rapidly; officers from these courses cannot be obtained sooner than four years after they begin to participate in the

program. This has led to the increased use of Officer Candidate Schools and direct appointments during such buildups as we are witnessing in Southeast Asia.

The armed forces have shown an increased willingness to accept officers without college degrees. Despite their announced intention to recruit the officer corps solely among the ranks of college graduates, beginning in 1966 the services have found it necessary to rely increasingly upon non-degree candidates for Officer Candidate School. In the Marine Corps, this is reflected in reliance on the Officer Candidate Course and Platoon Leaders programs. A number of temporary commissions as second lieutenants were offered to enlisted noncommissioned officers with the understanding that when they were no longer needed as officers, they would revert to their original noncommissioned grades and pay. Similarly, the Navy has initiated the Limited Duty Officer program, from which it obtains officers from the ranks of enlisted men with from six to ten years of previous enlisted experience. These enlisted men are commissioned as ensigns and can reasonably expect to reach the rank of lieutenant or lieutenant commander before they retire.<sup>5</sup>

## RESERVE MANPOWER

The crucial factor in the efficient use of the reserves is time. If a future demand for military manpower is foreseeable, the active duty forces can be increased by conscription and enlistment. If events are unforeseen (i.e., Berlin, the Cuban missile crisis, the *Pueblo* seizure), then the reserve components provide the highest short-run elasticity of supply.

The President has the full authority, by Public Law 89-687, to order reservists to active duty without their consent and without declaring a national emergency or securing legislative approval. There is obviously some restraint upon the use of reserve forces in our current military position. Political motivations militate against the calling of reservists to active duty in large-scale numbers. In addition, the armed forces regard the reserve components as precisely that; they are reserves and efficiency dictates that they

<sup>3</sup> Alan E. Fechter, "The Supply of First-Term Military Officers," Institute for Defense Analyses, Arlington, Virginia, Study S-290, March, 1967, pp. 33-42, and Walter Y. Oi, "The Economic Cost of the Draft," *Papers and Proceedings*, American Economics Association, May, 1967.

<sup>4</sup> Fechter, *op. cit.*, pp. 24-25.

<sup>5</sup> *Ibid.*, pp. 9-10.

not be committed to active duty at this time. To understand this, it is necessary to analyze the role of the reservist in future defense manpower planning.

Under existing law, draft-age men are liable for six years of service in the armed forces in the United States. Since the existing term of active duty for draftees is only two years and since enlistees generally serve three years on active duty, many of the reserves of the United States are composed of men who are veterans of active duty tours. Other reservists have enlisted under the Reserve Enlistment Program (REP) under which a six-year ready reserve obligation is required.

When an REP participant finishes the initial six-month period of active duty training, he is assigned to the National Guard or Organized Reserve unit in which he initially enlisted; as part of this unit, he is supposed to engage in a training program. If he changes his personal situation so that he cannot participate in the scheduled training sessions, he is transferred from the reserve unit to the ready reserve pool. The REP participant, like personnel who have served longer tours of active duty, is theoretically subject to assignment to a suitable unit or to active duty while in the Ready Reserve Pool, although the current situation would indicate that this is not a high probability.<sup>6</sup>

Much criticism, of course, has been leveled at this six-month program because it does place the burden of combat upon the draftees while the REP participant is currently exempt from personal danger. In order to understand this situation, and in partial explanation of the reluctance of the Department of Defense to commit the reserve forces of the United States to active duty in Southeast Asia, it is necessary to realize that the vast majority of the reservists are in fact assigned

to functioning reserve units. It is these units, not the pure numbers of men involved, which figure in Defense Department planning for the reserves.

The armed forces of the United States are roughly divided into two distinct forces. The first are the Strategic Forces, which possess principal general nuclear war capabilities and both offensive and defensive weapons systems, including civil defense. The other part of the armed forces includes the General Purpose Forces. These forces include most Army, Navy, and Marine Corps units as well as tactical elements of the Air Force, and are designed to perform all military operations except full-scale nuclear war.

The reserve forces of the United States almost without exception are assigned to the General Purpose Forces. Although this might tend to make one think that the reserve forces have high priority for such situations as that existing in Southeast Asia, the Secretary of Defense maintains that the buildup of the Army for Vietnam proceeded at a pace sufficiently slow to preclude deployment of reserve components. The reserve forces are therefore considered available for deployment as additional forces, or to deal with crises elsewhere in the world.<sup>7</sup>

The United States Navy maintains the selected reserve as the highest trained and most immediately responsive part of its ready reserve. The selected reserve is designed to meet essential mobilization requirements of the Navy or, in lesser degree, the needs of other contingencies. The total strength of the Navy's selected reserve is approximately 126,000 officers and men. Quality is theoretically maintained by holding more than the usual 48 drills per year; reserves are required to perform two-week active duty training as part of the fleet participating in major fleet exercises.<sup>8</sup>

Since 1966, the United States Army has maintained a Selected Reserve Force (SRF). This force, approximately 150,000 men, is contained in 744 Army National Guard units, and 233 United States Army Reserve units. These units are given high priority for REP training spaces and also for the

<sup>6</sup> Civilian Advisory Panel on Military Manpower Procurement, "Report to the [House] Committee on Armed Services," February 28, 1967, pp. 4-5.

<sup>7</sup> Department of Defense, *Annual Report*, "Annual Report of the Secretary of Defense," Washington, D.C., 1967.

<sup>8</sup> Department of Defense, *Annual Report*, "Report of the Reserve Forces Policy Board," Washington, D.C., 1967, p. 78.

issuance of equipment. It is important to note that the SRF is operative only in its component units: three infantry divisions, five separate infantry brigades, a mechanized infantry brigade, an armored regiment, and many combat and combat service support units.<sup>9</sup> It is precisely this system of organization by units which precludes any calling of reservists to active duty as individuals. The armed forces are able to integrate the services of their reservist personnel into an active duty situation only when a unit is called.

Each service concedes shortages of certain occupational specialists among its enlisted personnel, although each professes a high level of capability and a short mobilization period for its reserve components. This shortage of trained technical men is not unique to the reserves, but is rather a distinct trademark of the armed forces of the United States. All components of the services profess to need more trained technicians, more skilled workmen, and more occupational specialists.

### NEED FOR SKILLED MANPOWER

It is obvious that changing skill requirements are not unique to the armed forces. What is unique, however, is the military method of meeting this increasing demand for skilled manpower. Within the civilian labor market, an individual firm has the alternative of recruiting untrained labor which is then trained for specific duties, or directly recruiting previously-trained men for positions higher on the occupational ladder.

<sup>9</sup> Department of Defense, *Annual Report*, "Annual Report of the Secretary of the Army," Washington, D.C., 1967, p. 176.

<sup>10</sup> Cf. Wool, *op. cit.* Also see Gorham C. Smith, "Occupational Pay Differentials for Military Technicians," unpublished Ph.D. dissertation (New York: Columbia University, 1963), chapter 3.

<sup>11</sup> Paul A. Weinstein, "Occupational Crossover and Universal Military Training," Sol Tax, Ed. *The Draft* (Chicago: University of Chicago Press, 1967). Also see Gorham C. Smith, *op. cit.*; Harold Wool, *op. cit.*; Walter Y. Oi, "The Economic Cost of the Draft," *Papers and Proceedings*, American Economic Association, May, 1967; and Eugene Jurkowitz, "An Examination into the Investment of Human Capital by the Armed Services," unpublished Ph.D. dissertation (New York: Columbia University, forthcoming).

Unfortunately, the latter alternative is not open to the military. The military must recruit all enlisted personnel at the lowest or recruit level, because of its grade structure. It then becomes necessary to train these men in the required skills. Hopefully, once these skills are imparted to the recruit, he will decide to remain in the armed forces long enough to make the investment in human capital profitable to the services.

Here, the services run into a curious problem. The more intensively they train a recruit, the more valuable he is within the armed forces. However, more highly educated and more intelligent individuals command higher wages in comparable jobs in the civilian sector. Thus while the civilian sector has highest turnover rates among the unskilled and semi-skilled, in the armed forces the retention rates are lowest among the highly skilled and semiprofessionals.<sup>10</sup> As a result, the manpower needs of the military are most severe in precisely those areas in which they have a large and growing demand for labor.

The existence of a military service obligation in the form of the draft precludes any clear analysis of normal patterns of manpower supply to the military under conditions of a purely voluntary market situation. There are, however, several techniques which have been employed, including surveys of attitudes, reenlistment rate differentials, and age-specific military service participation rates, which permit us to make some generalizations about this supply.<sup>11</sup> Most notably, under the existing pay structure and conditions of service, the military personnel for a volunteer army would be drawn predominantly from those with lower educational and skill level achievements, because such personnel would be least likely to earn more in civilian occupations.

### A MULTIPLICITY OF FUNCTIONS

Other factors distinguish the military's demands for manpower from those of the civilian economy. Because of the very nature of the military, all personnel must be capable of performing a variety of duties at all times. This may perhaps be best illustrated by the

case of a ship at sea. Although each man on the ship is theoretically best qualified for a specific job, in case of attack, replacements are not immediately available. It therefore becomes necessary for each individual on the ship to be able to perform a multiplicity of functions. In the Army, also, every man must be first a combat soldier and second an occupational specialist.

All enlisted personnel, therefore, are sometimes involved with the laborer- or unskilled-service-worker aspects of military life, although these functions are normally fulfilled by personnel in their first years of service, i.e., by recruits or trainees. These men are at the same time theoretically serving a form of apprenticeship, or acquiring on-the-job training in particular military occupations. Because of the occupational structure of the armed forces, there is no room for the "untrained 'filler' or the 'career private,'" <sup>12</sup> regardless of his mental ability or education.

Rank and therefore pay are most often functions of length of time in service rather than of technical proficiency or education. This is an obvious misallocation of resources. In addition, regardless of prior education or experience, the military hierarchy requires initial service at the lowest or recruit level, and thus possibly demands a period of skill-utilization far below the individual's capacity.

It is clear that the draft presents for induction those who would not otherwise enter military service. On the other hand, a distaste for compulsion may increase voluntary enlistments.

Thus the military is able, via the draft or draft-induced enlistments, to obtain the services of a substantial number of trained technicians whose services would not otherwise be available to them. Although we may wish laughingly to envision the military as a fitter of square pegs into round holes, this luxury is no longer available to the armed forces of

the United States. Recent studies have shown that the utilization of pre-service experience and training accounts for a significant portion of the armed forces' supply of trained technicians.<sup>13</sup>

### EFFICIENCY IN MANPOWER UTILIZATION

At the instigation of former Secretary of Defense Robert McNamara, and under the direction of men such as Charles Hitch, Stephen Enke and Alain Enthoven, the Department of Defense utilizes a system which is generally noted as cost-benefit analysis. The underlying principle of the system, balancing the ratios of marginal costs and marginal revenues, has come to dictate many of the procurement and allocation processes of the United States defense program.

It is impossible for an outsider to question the success of the Department of Defense in equating the cost-benefit ratios between items such as helicopters or submarines, or even between two divergent defense philosophies such as the value of a bomber deterrent force versus a purely missile force. Valid questions may be raised on grounds other than budget decisions between alternative systems: within a given defense system do the armed services utilize the optimum combination of men and material to obtain a given force level? Are resources being allocated efficiently between the civilian and military sectors?

Just as an individual firm puts capital investment into machines when the price of labor rises, so should the armed forces consider an optimum capital-to-labor ratio.

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<sup>12</sup> Paul, *op. cit.*, p. 5.

<sup>13</sup> See Jurkowitz, *op. cit.*, as well as Paul A. Weinstein and Eugene Jurkowitz, "The Military as a Trainer: A Study of the Problems in Measuring Crossover," a paper presented at the meetings of the Allied Social Sciences Association, Washington, D.C., December 29, 1967.

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*In reviewing the legal and historical position of the conscientious objector, this author says "The American record in handling of conscientious objection to war and military service is impressive. It is much less than perfect. . . . It can be improved, given good will and unfailing persistence. . . ."*

# The Position of the Conscientious Objector

BY J. HAROLD SHERK

*Director, National Service Board for Religious Objectors*

“CONSCIENTIOUS OBJECTORS,” “draft dodgers,” “draft resisters,” “draft card burners,” “pacifists,” “peaceniks”—epithets such as these appear daily in the press and other news media. Frequently they are used as if the terms were interchangeable, with little attempt to make any clear distinction between the beliefs and the actions of thoughtful men moved by deep religious principles and the sometimes thoughtless, or reckless, or heedless but sometimes very determined actions of youth in revolt.

There are many stories about youth in revolt and youth in trouble. There are “draft dodgers” in the courts—men who have refused to submit to induction into military service for conscience’ sake. A few of them are in prison. There are men in the armed services (and now a girl, too!) who can no longer submit to military orders—for conscience’ sake—and are court-martialed because they cannot obtain recognition of their convictions. There are mass actions: protests, public draft card burnings, public collections of such cards in various gestures of resistance or defiance—even a few cases of massive interference with officials in the performance of their duties. In the name of “freedom of speech,” public officials are prevented from presenting their views on current

issues. And there are all the stories about men who have gone to Canada or to Sweden. Very little in all this “news” informs the public about the many thousands of American young men—the conscientious objectors—who have achieved legal recognition of their convictions and are now serving their country here in the United States and abroad.

There are more than 10,000 of these men presently in service. The latest issue of *Selective Service*, published by the Selective Service System, shows 6,215 conscientious objectors currently in civilian work in lieu of induction. In addition, there are about 4,500 in noncombatant military service, usually serving as medics. More about these later.

Who are these conscientious objectors? Most of them come from the churches of the United States. Records of the National Service Board for Religious Objectors indicate that as many as 90 per cent are actively associated with a “peace church,” that is, with a religious body which holds that participation in war, at least to the extent of combatant military service, is sinful, and has historically maintained its teaching against such participation. The remaining 10 per cent nearly all have some formal religious background, and in most cases have the moral support of their churches. More than 50 religious bodies in the United States have taken official action in support of the principle of conscientious objection, or in support of those of their members who hold this position.<sup>1</sup> Of those who

<sup>1</sup> *Statements of Religious Bodies on the Conscientious Objector*, compiled and published by the National Service Board for Religious Objectors, 550 Washington Building, 15th and New York Avenue, N.W., Washington, D.C., 20005.



have been classified as conscientious objectors in recent years, a few have claimed no formal religious connection. In many cases, however, they, too, have had some religious background which has contributed to the convictions they now hold.

The tradition of objection to war and to the methods of war goes back to the beginnings of American colonial history. William Penn's colony, subsequently the State of Pennsylvania, was founded by Quakers with the firm conviction that there was "that of God in every man" which must be respected, and that men would respond favorably to peaceful approaches that would respect the rights of all concerned. Mennonites, Brethren, and other religious communities from Europe who shared the Quaker "peace" emphasis responded to the invitation to join Penn's colony and contribute to the development of the new land. There were also other settlers, men who did not share the Quaker point of view—so many others that eventually political power passed into non-Quaker hands, and the Quaker method gave way to more forceful and, eventually, to violent means. Other colonies used "gun-boat diplomacy" from the first. By the time of the War of Independence Pennsylvania was marching with the rest, and descendants of its founders who could not renounce their conscientious refusal to use violence in any cause were tested severely.

But there was another principle at work. The principle of *religious freedom* had come over with the settlers seeking a new life in America. However dimly perceived, and however distorted in its application, the principle was recognized and, in time, it was extended to cover those who could not injure or destroy their fellow man for any reason.

In the course of time, several American colonies adopted legislation to provide exemption from military service on the grounds of conscience. When the colonies formed the United States of America, the First Congress

considered an amendment to provide for the recognition of conscientious objection as a constitutional right.<sup>2</sup> The amendment failed, but the sense of obligation to respect religious freedom in this area was not denied. Every Congress which has enacted draft laws for the nation has made some provision for the recognition of conscientious objection on the ground of religious training and belief. Such provisions have tended to be inadequate—and they are inadequate today—but the recognition of the principle to which they testify has been important.

### THE CO IN WORLD WAR I

World War I was a severe testing time for many conscientious objectors. The nation was caught up with the zeal of a crusade in the "war to end all wars" and much of the public had little patience with the small minority who could not go along. Nevertheless, the draft act of 1917 provided for exemption on the ground of religious training and belief, but only from *combatant* military duty. The law made no provision whatever for exemption from all military duty on grounds of conscience. And there was no such thing as "refusal of induction for conscience' sake" as there is today. When a man was selected by his draft board he was "in"; he was a soldier subject to military orders and any refusal on his part made him a violator of military law, subject to court-martial.

Under these conditions, during the partial mobilization that followed, nearly 4,000 men claimed and received recognition as conscientious objectors. Of these, 1,300 submitted to the noncombatant duty requirement and served accordingly. Some 450 refused to perform any military service, were court-martialed and sentenced to prison terms. More than 2,000 others who also refused to perform any military duty were eventually "furloughed" for farm work, relief work and so on, and were eventually discharged.<sup>3</sup>

The experiences of World War I were used by those who planned the Selective Service System for World War II and by the representatives of the religious agencies who consulted with them on behalf of all conscientious

<sup>2</sup> The Selective Service System, *Conscientious Objection*, Special Monograph No. 11, Vol. I (Washington, D.C.: Government Printing Office, 1950), p. 38.

<sup>3</sup> *Ibid.*, pp. 60, 61.

objectors. The resulting law, the Selective Service Act of 1940, provided for exemption on the ground of religious training and belief for two categories of objectors: those who objected to combatant but not to noncombatant military service, and those who objected to all military service, combatant or non-combatant. Registrants in the first category were classified for noncombatant military service and—upon induction—usually served as medics. Those in the second category were to be assigned to civilian work “of national importance.”

Eventually, nearly 12,000 men served in “work of national importance,” largely in work camps—for soil conservation, in park and forestry services, as “smoke jumpers” and so on—and in mental hospitals. Some—all of them volunteers—served in various “guinea pig” programs, carefully controlled research programs in the fields of nutrition and the treatment of disease.

Some 25,000 served in a noncombatant military capacity, mostly as medics, many of them under extremely hazardous conditions.<sup>4</sup> One of them, a Seventh Day Adventist, was awarded the Medal of Honor.

Some 6,000 others who could not obtain recognition of their conscientious objection or who would not “cooperate” with Selective Service on grounds of conscience went to prison from 1940 to 1947 during the operation of the law.<sup>5</sup>

The present law was first enacted in 1948. As in the 1940 law, provision was made for the recognition of conscientious objection on the basis of religious training and belief, and recognition was accorded to those who objected to combatant duty only, and to those who objected to all military duty. As originally enacted, the 1948 law “deferred” objectors to all military duty. An amendment in 1951 (after United States entry into the Korean War) changed this to require that “in lieu of induction” such persons be ordered to “civilian work contributing to the maintenance of the national health, safety, or in-

terest.” This is the present requirement.

One other change in the 1948 act, as compared with the 1940 law, had important effects. The “religious training and belief” requirement in the 1940 law had been interpreted very broadly so that some men who made little or no claim to a “religious” position in the generally accepted sense were nevertheless, accorded recognition. In the 1948 law, Congress attempted to limit the application of the law by inserting the following sentence:

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code.

Under the 1940 law, some men who could not affirm belief in a “Supreme Being,” or who had expressed their position in philosophical rather than religious terms had obtained recognition. Under the new law, some of these same men who (because of their age) still had an obligation under the draft were barred from recognition and were prosecuted and imprisoned. Others, too young to be registered under the 1940 law but with similar beliefs, were caught in the same predicament. The obvious sincerity of many such young men, who could go to prison for conscience' sake, but could not give expression to their beliefs in orthodox religious terminology, led in time to a series of court decisions which had the effect of interpreting the “Supreme Being” language very liberally. The latest and most important of these decisions was rendered by the Supreme Court on March 8, 1965, in the cases of Daniel Seeger, Arno Jakobson and Forest Peter. Daniel Seeger was an agnostic. He could neither affirm nor deny belief in a Supreme Being. His principles against any participation in war and military service were stated very clearly and cogently, and were evidently religious in character. His sincerity was beyond question. Yet, to quote one Selective Service official: “He doesn't fit our law.”

The Supreme Court disagreed—taking 24 pages to say so—and acquitted Seeger and

<sup>4</sup> *Ibid.*, p. 115.

<sup>5</sup> *Ibid.*, p. 269.

the others. In particular, the Court stated:

We have concluded that Congress, in using the expression "Supreme Being" rather than the designation "God," was merely clarifying the meaning of religious training and belief so as to embrace all religions and to exclude essentially political, sociological, or philosophical views. We believe that under this construction, the test of belief "in a relation to a Supreme Being" is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is "in a relation to a Supreme Being" and the other is not. We have concluded that the beliefs of the objectors in these cases meet these criteria. . . .<sup>6</sup>

Several other cases pending in the courts were dismissed on the basis of this decision. The practical effect was to make the conscientious objector provision about as inclusive as it had been in the 1940 law.

Some important Congressmen reacted unfavorably to this decision. Among the amendments to the draft law enacted on June 30, 1967, was one which deleted the "Supreme Being" clause, with the stated intention of counteracting the effect of the Supreme Court's decision in the *Seeger* case.

## CONFUSION TODAY

Considerable confusion has resulted in the public mind as to the state of the law, and some of this confusion may continue at least until this aspect of the law is tested in the courts. However, much of the confusion is due to misinformation or ignorance as to the state of the law and current procedure.

Membership in a "peace church" or in any church or other religious organization is not a requirement for recognition as a conscientious objector. No doubt it helps to be an active church member, particularly a member of one of the "peace churches" which actively teach and preach the conscientious-objector position. But sincere conscientious objectors may be found in any religious connection, or

outside any organized religious connection. Men from 100 different religious groups and hundreds of persons who have reported no religious connection have obtained recognition as conscientious objectors in recent years.

There is little doubt that the man who is a member of an organized religious group has some advantage over the "loner" in assembling convincing evidence to support his claim. Basically, however, the law requires every objector to establish that he, himself, is convinced of and committed to the position which he claims. Membership in a dozen "peace churches" will not qualify a man for classification as a CO if he cannot show that he is personally committed to his position.

According to the law, a conscientious objector is any person "who by reason of religious training and belief" is conscientiously opposed to participation in war in any form. As used in this subsection, the term "religious training and belief" does not include "essentially political, sociological, or philosophical views, or a merely personal moral code." So, to obtain recognition as a conscientious objector a registrant must have a position which can be recognized as "religious" as contrasted with "essentially political, sociological, or philosophical views, or a merely personal moral code." This does not mean that one's religion must be expressed in orthodox terms, though there is no doubt that the person who can and does use such language is more readily understood and believed by most local boards. But "sincere" religion, as recognized by the courts, may be expressed in unorthodox terms. The law does not require "orthodox" religion—the law would probably be declared unconstitutional if there were any such requirement.

## THE ALTERNATIVES FOR CO's

Men who claim and obtain recognition of their objection to combatant but not to non-combatant military duty are classified in Class I-A-O and inducted for noncombatant service. Usually this means medical service. Upon induction, they are forwarded to Fort Sam Houston in Texas for training as medics. They are then subject to assignment wherever

<sup>6</sup> Supreme Court of the United States, Nos. 50, 51 and 29. October term, 1964. Mimeographed copies available from the National Service Board for Religious Objectors. See *U.S. v. Seeger* 380 U.S. 163 (1965).

they may be needed and are subject to the same duties and responsibilities as other soldiers, except that they may not be required to train with or use weapons at any time. The heroism of these men under great stress has become almost legendary.

### CLASS I-O SERVICE

Men who claim and obtain recognition of their objection to all military service, whether combatant or noncombatant, are classified in class I-O and become subject to assignment to civilian work in lieu of induction as their local boards may deem appropriate. Most find their place of service in hospitals, usually as orderlies, maintenance men and kitchen help.

Others find openings in a wide variety of charitable institutions, or in relief and welfare agencies within the United States and abroad. Some have served in seriously disturbed areas like the Congo, the Near East and Vietnam. A few have become casualties, by accident or by "enemy" action. All who go into such foreign situations are volunteers.

Every Class I-O man has an opportunity to volunteer his choices of "types of work" for board approval. Usually he is able to work out an arrangement which is satisfactory to his local board and gives him some sense of making a contribution of value to the well-being of his fellow man. More than 22,000 men have entered such work since 1951, usually serving for 24 months, the same period as the active duty requirement for soldiers. About 6,000 are in such service now.

Altogether, since 1948, more than 32,000 men have sought and obtained classification in Class I-O. (This figure includes men classified I-O but not yet assigned to alternative service.) Most of them are what one might call "traditional pacifists." That is, they are opposed to all wars in all circumstances and to all use of violence under any condition, even for the purpose of the defense of self or home or family. However, as interpreted in a number of cases, the law also covers men who object to *military* service, but would not necessarily renounce all violent force in defense of self or family. Some make allow-

ance for the discriminate use of force by civilian police though they cannot go along with military force in the usual sense.

### THE "JUST WAR"

Some have come to their position as CO's by the "just war" route. That is, they are not able to affirm that *all* war is sinful but that—in principle at least—there could be a "just" war involving a just cause, just means and just ends. They do not see these conditions in any modern war. Their judgments are informed by and based on their religious principles. So they must refuse. Sometimes local boards, convinced of their sincerity, place them in class I-O. Others lose out.

A similar problem is faced by the person whose religious belief does not include the "just war" tradition—and perhaps may have a problem defining his position at all in religious terms—but who revolts at the evil he sees in the current war situation and feels he must refuse. Some such men have stated their objections so persuasively that their local boards have classified them I-O. Others have failed.

As far as I know, none of these or of the "just war" objectors who entered appeals have won their appeals or been sustained in the courts. The courts have held that when the law provides for objection to "war in any form" it means "all wars."

The American record in the handling of conscientious objection to war and military service is impressive. It is much less than perfect. Perhaps it always will be. It can be improved, given good will and unflinching persistence on the part of all who believe that freedom of conscience is an indispensable element in all real freedom.

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*In discussing the rights of war protesters this author says "... the right of freedom of expression . . . is so important in a democracy that it may override an unimportant regulation so long as the violation of that regulation does not injure someone else."*

## The War Protester

BY JOHN DE J. PEMBERTON, JR.  
*Executive Director, American Civil Liberties Union*

IN EVERY WAR period even the most democratic society experiences a retrenchment in the willingness of government and of the public to tolerate protest against the conduct of the war. The suppression of dissenting views during World War I, for instance, was particularly harsh and severe. The cold-war hysteria about *all* unorthodox opinions, in the early 1950's, may have been both a carryover from World War II anxieties and a normal concomitant of the Korean War.

The Vietnamese War—so far—is exceptional with regard to the extent to which war protest is being tolerated; but it is no exception to the rule that wartime anxieties lead to a reduction in the tolerance for protest. Were the circumstances to change, were new combatants to enlarge the geography of the war or increase its military difficulties for the United States, we would probably experience greater efforts on the part of government officials and war-supporting elements of the general public to suppress protest and to enforce silence or conformity in the expression of views about the war.

Even though more dissent has been more openly expressed in this war period perhaps than in any other, serious inroads have been made on the historic American commitment to freedom for dissent and protest. Peace meetings and marches have been attacked and occasionally broken up by vigilante groups. Sometimes those advocating escalation of the war have experienced the same intolerance

from their political opponents. Police protection of war and peace demonstrations and police harassment and arrests of the demonstrators have been discriminatory. More often than not, law enforcement officers have shown sympathy for the war-supporters and even the war-escalators, and they have often exercised their powers to favor those with whom they sympathize.

But serious federal involvement in the discouragement of war protest did not begin until the Director of the Selective Service System, General Lewis B. Hershey, wrote his October 26, 1967, directive to 4,081 local draft boards recommending the reclassification of some of the deferred protesters and their accelerated induction into the armed services as "delinquents." The protesters were those who, the draft boards believed, had engaged in illegal activity—even though draft boards have neither the authority, the procedures, nor the legal competence to make reliable determination of facts or to decide what, if anything, was illegal in the conduct of protesters.

As a consequence of Hershey's directive, more than 100 draft registrants have been declared "delinquent," placed in the top priority for call for induction, or reclassified, and some have been ordered to report for induction. An untold number of other draft registrants have learned from this experience that it is safer to keep their views to themselves and to avoid war protest activity altogether.



This Selective Service System activity was followed by the government's indictment of the Reverend William Coffin, Yale University chaplain, Dr. Benjamin Spock and three others for "counseling" draft evasion and resistance. Of course, there are important and undecided questions of constitutional law as to whether the "acts" alleged in this indictment were constitutionally protected expressions of the defendants' views about war and the draft, or whether they were illegal. But the indictment clearly represents a stepping-up of official efforts to suppress the expression of war protest.

More recently, the circulation of an anti-war petition among federal government employees attracted the attention of a number of government officials, including members of the House Committee on Un-American Activities who announced they would investigate the organization responsible for the petition. The investigation has an undeterminable effect upon the enthusiasm of government employees for public expression of anything but conformist views on the war. It has its parallels in actions taken at state and local levels to discourage war protest on the part of persons susceptible to punitive state and local government actions—including students and teachers at public universities, colleges and secondary schools.

### PROTEST DURING WARTIME

What rights have citizens in a democracy to protest a war while it is going on? The law has been changing considerably on this question during the past two generations and, until the Coffin-Spock case reaches the Supreme Court, any answer necessarily involves much speculation. But the traditions of our national commitment to free speech, made during the American Revolution and clarified in our Constitution, suggest some answers.

In the first place, rights of protest do not shrink because of war—even though official and unofficial tolerance of them may. Except as domestic invasion or insurrection may cause martial law to be declared in some localities, the Constitution, with all of its pro-

tections for individual liberty, remains in full force and effect in wartime. None of the Supreme Court decisions, even those which may have too narrowly drawn the boundary line of constitutional protection around rights of protest to be reliable guides today, suggest that the constitutional boundaries become narrower because of war. War or national emergency provide the occasion for some legal limitations, such as restrictions on disclosure of troop movements, but they do not enlarge the *power* of either the legislative branch or the executive to restrain protest.

Clearly, if a particular protest activity is constitutionally protected, it is as much entitled to protection against informal actions such as accelerated draft calls or severance of government employment as it is against the formal process of criminal indictment, trial and punishment. The object of constitutional protection is to insure the uninhibited exercise of the right, and all kinds of informal harassment may all too effectively inhibit exercise to be constitutionally tolerated. This means also that the protesters on either side of the controversy are as much entitled to police protection against interference with their protest as are other citizens against assaults and other breaches of the peace.

It is harder to define the constitutionally protected boundaries of the right of protest. The question has two parts: (1) Is the content of the protest—the idea expressed—protected? and (2) Is the time, place and manner of protest protected?

It is the first part that has involved the most significant changes in the law. In the World War I sedition law cases, the Supreme Court first enunciated its "clear and present danger" test: "whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."<sup>1</sup> Justice Louis Brandeis, in a subsequent opinion, elaborated upon this statement to provide what has come to be regarded as the classic formulation of this test:

Those who won our independence by revolution were not cowards. They did not fear politi-

<sup>1</sup>Schenck v. United States, 249 U.S., 47 (1919).

cal change. They did not exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.<sup>2</sup>

A great many intervening cases have cast doubt as to whether the "clear and present danger" test will always be adhered to, in the face of overwhelming anxieties such as those which war, and the cold war, have produced. Recent decisions give hope for a more confident application of the test, however, and if so the question as to content will become susceptible to a fairly unequivocal answer: What the protester says—by his speech, his pamphlet, his march or other demonstration—can never take away his right to say it, unless the circumstances are such that no one will have an opportunity to answer him in time to prevent the doing of some substantive, illegal harm.

No such unequivocal answers can ever be given to the questions about time, place and manner of protest. A constitutionally protected speech from a sound-truck in a business district in the middle of the day will never be the same as that speech in a residential area in the middle of the night—because people have a right to some protection from the disturbance of their sleep. A demonstration parade on busy streets may constitutionally be required to await the granting of a parade permit—to be sure that it does not interfere too greatly with ordinary traffic on that street. (Not *not at all*, but *not too much*. Every protest demonstration, even a simple speech, is likely to cause some inconvenience and that inconvenience must be tolerated.) A city may constitutionally exclude protest meetings and demonstrations from the formal gardens in its public parks altogether—

because the danger of trampling on the flow-ers is too great. But it cannot do so unless it makes reasonable provision for other available park areas. And what is reasonable requires giving consideration to where the protest will be heard, where people will gather and notice the protest. In all these questions, the rule of reason is necessarily implied. If the protesters' rights have been reasonably balanced against the rights of others—in the granting or denying of permits and in the making of regulations about the use of public places—then the officials who regulate the time, place and manner of protest will be upheld. But if the officials discriminate against protesters they dislike or those who are unpopular, such discrimination can never be reasonable.

### DRAFT CARDS

One of the new questions about the "manner" of protest raised by the Coffin-Spock indictment is whether the turning-in of draft cards in a public demonstration may be punished. The defendants are charged with conducting demonstrations in which draft registrants were encouraged to, and did, turn in their draft cards. Then they were charged with transporting these cards to Washington and leaving them in the Department of Justice Building. This is said to amount to counseling and helping registrants to violate a Selective Service System regulation that requires registrants to have these cards in their possession at all times; if registrants turned them in to the government, they could no longer have them in their possession.

This is a doubtful legal question, not because the regulation by itself is not legal and enforceable; it may be, or it may not. Rather, the reason is that some rules—whether adopted by a legislature or by some subordinate body—are too insignificant to be enforced against the expression of *political* or *religious* views. Thus the Supreme Court has held that municipal ordinances against littering are too insignificant to be enforced against a person distributing political or religious handbills<sup>3</sup>—even though the persons receiving this literature are very apt to drop

<sup>2</sup> See Brandeis dissent in *Whitney v. California*, 247 U.S. 357 (1927).

<sup>3</sup> *Schneider v. Irvington*, 308 U.S. 147 (1939).

it and thereby to litter the streets. The same ordinances may be enforced to keep a businessman from distributing commercial handbills in the same way; these are part of a profit-making venture that may be regulated in ways in which the dissemination of ideas may not.

The regulation requiring possession of a registrant's draft card serves a fairly insignificant purpose, if it serves any purpose at all. The card furnishes information to the registrant himself, not to those responsible for determining his draft status. His draft status, on the other hand, is determined by records kept in the office of the draft board; if the registrant loses possession of the card—whether accidentally or intentionally—it does not become more difficult to draft him—or to conduct any part of the business of the Selective Service System. For all of these reasons, it well may be that the regulation does not serve any purpose at all, and therefore could not be enforced to punish a person who violates it.

But even if the regulation could be enforced against an ordinary violator, a different question arises when an effort is made to enforce it against a war protester. The protester's act of violation is performed publicly, to call attention to his protest. In no way, therefore, can it be considered an *evasion* of the draft law. And when the protester acts, he invokes a right which may supersede the power of officials to punish him for violation of an *insignificant* regulation. That right is the right of freedom of expression, a right central to the ability of a free people to govern itself. That right is so important in a democracy that it may override an unimportant regulation so long as the violation of that regulation does not injure someone else.

Whether or not this speculation ultimately turns out to be the law when the courts reach the question, it illustrates an important aspect of the rights of protesters: the availability to the protester of other ways in which to make his protest does not affect the legality of the way he actually chooses. He may have chosen to make a speech, print a handbill, carry

a placard, or act in any of a number of different ways to make his point; but he may choose to make his point by publicly turning in his draft card. And when he chooses that course, the courts are forced to wrestle with the question of whether publicly turning in draft cards is a constitutionally protected manner of protest. The rights of protest could be whittled away to near-nothingness if a citizen could be told to abandon the protest method he chose because some other method was available to him. Questions about the rights of protesters are not decided by asking whether a particular form of protest is justifiable; they are rather decided by asking whether a particular *limitation* on that form of protest is justifiable. The business of expressing ideas—of which protest is a part—is too important to put the burden of justification on the protesters. The burden rests instead on the regulation that would limit them.

#### PROTEST VS. DISOBEDIENCE

So far the discussion has concerned the right to protest. It is important to make clear that protest is an entirely different matter from going on to violate the laws one is protesting. The protester may ask for an end to the war, or the escalation of it; he may insist upon repeal of the draft, or the doubling of draft calls. He may even be protected when he *advocates* the violation of a law. But it becomes an entirely different matter when the law is actually violated. In talking about rights of protest, we are talking about something distinctly different from civil disobedience.

Many foolish things have been said about civil disobedience. Perhaps the greatest confusion arises from the fact that violating a possibly unconstitutional law may be the only, or the most, effective way to test the law. Such a violation will thereby insure that the Constitution, our highest law, is being enforced. But none of this is to suggest that there is, or can be, any kind of a *legal* right to violate a law that is constitutionally valid.

Some will assert that there is a *moral* right to violate a morally reprehensible law.

Others will prefer to say it is a moral *duty*, whether or not it is a right. Few today would dispute that one or the other of these expressions accurately describes the actions of Americans who violated the odious Fugitive Slave law. And no one could be so morally self-confident as to assert that there can be no parallel in today's circumstances; that the great moral questions of today—of war, conscription, civil rights, poverty—are so properly dealt with by the actions of government that there is no comparable moral obligation to act in ways that may violate law. But no moral right or obligation of civil disobedience will establish a *legal* right to violate a constitutionally valid law, validly applied.

All of which is simply to say that none of this discussion about the *legal* rights of protesters has anything to do with the subject of civil disobedience.

One legal right of war protesters and war objectors that bears some resemblance to civil disobedience, but is nothing of the kind, does deserve discussion here. That is the right of conscientious objectors to exemption from the obligation of military service. Every federal conscription law has made some provision to exempt conscientious objectors. The subject is fully discussed in another article in this issue and only two points of resemblance to the rights of political protesters warrant special mention here.

First, a law providing an exemption from conscription must meet constitutional standards just like a law regulating the time, place or manner of protest. It has never been decided that the Constitution obligates Congress to exempt conscientious objectors from the draft, since Congress has always done so itself. But it is clear that Congress may not discriminate in the granting of the exemption.

Second, while the statutory exemption requires "religious training and belief" as a basis for the exemptible conscience, political judgments that enter into the conscientious conclusion do not necessarily make that conclusion less religious. That is, a religious pacifist may properly believe that war is foolish and politically dangerous, as well as a vio-

lation of divine imperatives. He may even believe it violates divine imperatives *because* it is politically disastrous; he is no less a religious pacifist for that. He is a conscientious objector because he finds his participation in war to be unconscionable, something that is ultimately wrong for him even though the law directs him to participate. His conclusion—and not his reasoning—is the essence of his conscientious opposition.

It is too widely believed—by draft boards as well as by registrants—that the content of the conscientious objector's belief determines his entitlement to exemption. It is too widely believed, for instance, that he must declare his belief in God and in the creed of a recognized denomination. If this were so, the law would be discriminating among religions—in favor of the orthodox and against less orthodox beliefs—and nothing could more clearly violate the Constitution. In 1965, the Supreme Court undertook to correct this misapprehension when it said:

A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition.<sup>4</sup>

Draft boards who fail to understand this principle do an enormous injustice to conscientious draft registrants. The fact that deeply held convictions are unconventional does not make them less religious. In fact, the registrant who does not think of his convictions as religious may be as entitled to the exemption as the conventional religious pacifist. The important question relates to the depth, centrality and sincerity of his convictions, not their content or theology.

Another belief widely held—by draft boards

(Continued on page 48)

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<sup>4</sup> United States v. Seeger, 380 U.S. 163 (1965).

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*Tracing the history of the Negro in the U.S. armed forces, this authority points out that "In a more nearly perfect democracy, there would be little reason to discuss Negroes and the draft. . . ." But despite massive alteration of the position of Negroes in American life, no one can argue "that Negroes do not constitute a special, still 'unfinished business' for the American democracy."*

## The Draft and the Negro

BY ULYSSES LEE

*Professor of English, Morgan State College*

PICK UP ANY metropolitan newspaper and look at the photographs from the front in Vietnam; read the obituaries of men killed in action; observe the videotapes and the picture essays in *Life* and *Look* and *The New York Times Magazine*. One fact is clear: there are proportionately more Negroes in the United States combat forces and on the battle lines today than there were in any other military action in American history. The reasons lie in the past and in the present; in the nature of the American societal fabric; and in the nature and operation of the draft laws and enlistment regulations. The effects of disproportionate Negro participation alter the nature of our armed forces and of our society and, more especially, the lives and attitudes of Negroes in the United States today.

In a more nearly perfect democracy, there would be little reason to discuss Negroes and the draft, for Negroes would be affected and they would react in consonance with the rest of the national population. But despite the massive alteration of the terms of Negroes' service in the armed forces and in the position of Negroes in American life since the close of World War II, no one can seriously argue in 1968 that Negroes do not constitute a special, still "unfinished business" for the American democracy. The intensive civil rights activities of the 1960's, followed by a series of disastrous riots, summer after sum-

mer, in the great American cities, culminated in the arson and looting which followed the assassination of Dr. Martin Luther King, Jr., in April, 1968.

The nation's continuing failure to come to grips with the poverty of the rural South as well as that of the great city ghettos overshadows the simultaneously increasing integration of Negroes into many phases of American life, including the economic, on the managerial level, and the political, on the decision-making level. The increase of serious studies of "the Negro in American life" and the greater exposure of Negroes in the entertainment, sports, and intellectual worlds do not alter the essentials of the present situation. Not even a set of legally nondiscriminatory draft regulations, nor legally nondiscriminatory armed services (which are probably closer in fact to this ideal than any other discernible American institution) can alter the fact that in the pursuit of their daily and even their presumably patriotic duties Negroes face problems different from those of the population at large.

They also differ from those of our smaller, less widely distributed, and therefore less visibly distinctive minorities. For although Puerto Ricans, American Indians, Mexican-Americans, and Orientals face problems analogous to those of American Negroes in particular parts of the nation, they can still expect an approach different in kind and



manner in the rest of the country. Though there have been separate and special Puerto Rican and Japanese-American—and even Filipino and Norwegian-American—units in the armed forces in the past, these proceeded from a different social and military philosophy from that which provided segregated Negro units in the armed forces from the Civil War (and, in some instances, from the American Revolution) through World War II. On the surface, today, the draft operates without discrimination; Selective Service no longer keeps records by race; the prospective Negro draftee takes the same chances as anyone else. But, in reality, for a variety of reasons, this is not yet the case.

### **HISTORICAL POSITION OF THE NEGRO**

The services of Negroes in the land and naval forces of the United States from the days of the colonial militia to the present have been well documented. Up to the Civil War, the nation relied largely upon volunteers with state militia forces at their core. Distinguished personages in their own communities raised companies and regiments; these, in turn, entered the service of the nation and were counted against the quotas levied against each state. During the Revolution, local units might contain a varying number of Negroes, some of them free volunteers, some of them slaves serving in the hope of obtaining their freedom thereby, some serving in the places of their masters. In some cases, full companies of Negroes, such as Connecticut's "Attucks Guards" and Boston's "Massasoit Guards," were organized. Virginia's navy of 40 vessels had Negroes aboard each ship.

But by the time of the Civil War, and for 80 years thereafter, it was true that "Negroes must fight for the right to fight." Early in the war, free Negroes volunteered their services to the Union forces, only to be rejected as a matter of political as well as social policy. By the middle of 1862, when volunteers for the Union forces were becoming scarce, Union generals, like David Hunter in South Carolina and J. H. Lane in Kansas, began to form Negro regiments without full

authorization; and, in New Orleans, B. F. Butler organized the Louisiana "Native Guards." On March 3, 1863, in response to the growing manpower problems of the Northern armies, Congress passed the first national draft law in the nation's history. Subsequently states (including Rhode Island and Massachusetts) raised volunteer Negro units whose enlistees counted against state quotas even when the units were recruited in the South.

### **DRAFT-RACE RIOTS**

The new draft law and the reaction of white Northern workingmen to the formal Emancipation Proclamation issued on January 1, 1863, precipitated the New York draft riots, the bloodiest race riots in American history. The draft law provided that a drafted man might purchase his release for a payment of \$300. Working men, often recent immigrants, already believing that freed slaves would migrate north and usurp their jobs, saw the new draft law as a measure discriminating against them in favor of the rich. Anti-war Copperhead orators and newspapers declared that Northern workingmen were being forced to fight and risk death for the freedom of slaves who would soon take their jobs. Riots began when the names of the first draftees appeared in the New York papers on Sunday, July 12, 1863. Draft headquarters, saloons and newspapers were the mob's first targets; then they attacked any Negro found on the streets. By the second day, the homes and businesses of those employing or sympathizing with Negroes were looted and burned. What began as anti-draft riots ended as anti-Negro riots, with the Colored Orphan Asylum one of the main targets. The riot lasted four days, and Negro bodies were left hanging from the trees and lampposts on the streets of New York.

Thus, the first American draft law had an immediate social effect upon Negroes. The Bureau of Colored Troops, established in May, 1863, to recruit and supervise Negro units in the South as well as the North, recruited and organized 185,000 Negroes into the United States Colored Troops after Aug-

gust, 1863. If Negroes in independent and state units are added, it is estimated that the number of Negroes serving in the Civil War reached 390,000.

After the Civil War, the congressionally authorized reorganization of the Army (in 1866) provided for the organization of Negro infantry and cavalry regiments within the regular Army and the Act of 1869 fixed their number at two regiments in each branch of the service. The four regular regiments (the 24th and 25th Infantry and the 9th and 10th Cavalry) remained the core of Negro regular Army strength until World War II for the cavalry, and until the Korean War for the infantry units. But while these units guaranteed a role for Negroes in the Army, they also placed a limit on the nature of his service. They were all-Negro units with white officers, except for the chaplain and an occasional Negro graduate of West Point. They became famed Indian fighters—the Buffalo soldiers of the plains—but their existence meant that no Negroes served in other branches of the military service except in time of war.

In the Spanish-American War, Negro volunteer regiments were called "Immunes" because of the belief that they would not be subject to the yellow fever that proved as dangerous to American troops as Spanish arms. Negro state militia units became National Guard units, though only those in Illinois, New York, Massachusetts, Ohio, Maryland, and the District of Columbia remained by World War I. The Navy continued to enlist Negroes, in small numbers, for general service until the end of World War I. These men served throughout the fleet; when the Navy banned Negro enlistments after World War I, Negro opponents of the new policy recalled that it was a Negro, Chief Gunner's Mate John Christopher Jordan, who fired the first shot at Manila Bay, from the cruiser *Olympia*, Admiral George Dewey's flagship.

### THE DRAFT: WORLD WAR I

The Selective Service draft of World War I was designed to spread service in the armed forces through all segments of the popula-

tion. Negroes were about 10.7 per cent of the population, and about that proportion of the 3,464,296 Americans serving in World War I, or 371,710, were Negroes. But this did not mean that Negroes served on an equal basis. Most Negroes were draftees, since few of them were able to enlist; most of the draftees served in supply trains and in port, engineer and pioneer (labor) battalions. Of the two Negro combat divisions, one, the 93d, made up of National Guard units and a draft regiment largely from South Carolina, was never completely organized for it had neither artillery nor trains. The other division, the 92d, was composed completely of draftees. While there were Negro officers and enlisted men in the former National Guard units, no provision was made for training Negro officers until public protests from Negroes and concerned whites, including the officials of the then young National Association for the Advancement of Colored People (N.A.A.C.P.), gained the concession of a segregated officers' training camp (the 17th Provisional ROTC) located at Des Moines, Iowa. Only infantry officers were trained; of the 1,200 who volunteered, about 700 were commissioned.

Ironically, in the Civil War and the Spanish-American War, Negro officers had been commissioned without the bitterness that preceded the establishment of the Des Moines center and without the problems that followed. Most of the problems were a direct result of the continuation of segregation not only in the form of separate units, but also within units where most officers, including all senior officers, were white; even when Negroes were commissioned, they did not serve in grades higher than captain. Accusations of morale-destroying discrimination on the part of commanders against their troops were frequent and counter-accusations on the efficiency of the troops and their newly-commissioned Negro officers were as frequent.

In the aftermath of World War I, the Navy stopped Negro enlistments altogether until 1932, when it permitted enlistment in the messmen's branch only. At the same

time, as a concomitant of the general reduction of the size of the regular Army, the statutory Negro regiments were only partially filled and were broken into detachments performing a variety of tasks as garrison troops at a number of posts and stations. And despite vigorous efforts, no Negroes were permitted to enlist in the Air Force.

## THE DRAFT: WORLD WAR II

With this in mind, on the eve of World War II, Negro and liberal organizations, leading Negro newspapers and political figures launched a vigorous campaign to guarantee that any new Selective Service Act would prohibit discrimination against Negroes in the operation of the draft.

The Selective Training and Service Act of 1940 contained two provisions intended to prevent racial discrimination. The first, Section 3 (a) dealt with volunteering through the draft: "That within the limits of the quota determined—for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and forty-five, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed. . . ." The second, Section 4 (a) dealt with the selection and training of draftees: "In the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color."

With this provision in the Act, the newly mobilizing armed forces of 1940 could have become a revolutionary force. But they did not, and their leaders had no such intention. The Navy and the Marine Corps avoided the entire problem by accepting only volunteers; not needing to use the draft in the first years of the war, they were not affected by the Act. Within the Army, the Air Corps, which could rely on volunteers, sought to evade the problem as long as possible. The Army itself was forced to rely upon the draft, since it was both the largest and the least glamorous of the military services. It looked at the

wording of the act and decided that it could live with it. The Army declared that separate units were not in themselves discriminatory and that if the training of Negro and white draftees were kept at the same level, there would be no discrimination. Army apologists stated that the Army was not a sociological laboratory, that it reflected and did not mold social attitudes.

Nevertheless, prodded by President Franklin D. Roosevelt, the Army announced on October 9, 1940, that its Negro personnel would be "maintained on the general basis of the proportion of the Negro population of the country" despite the fact that its policy was "not to intermingle colored and white enlisted personnel in the same regimental organizations." When carried out literally, this meant that because it received most of the Negro draftees, the Army had to find troop and station units for them. Initially, each arm and service and eventually each type of unit was to have a proportionate number of Negroes, averaging ten per cent. This eventually proved impossible: if the Army activated 100 infantry divisions, ten would have had to be Negro; if there were seven locomotive repair companies, seven-tenths of a company would have to be Negro.

But since the Army as a whole had to receive a fixed percentage of Negroes, these branches which had been traditionally closed to Negro soldiers, including the Air Force and the Signal Corps, were forced by the pressures generated by the other branches, especially the Infantry and the Engineers, to accept their share of the quotas. This led to a great waste of manpower as unneeded units, often created especially for the purpose, were organized to receive the otherwise unwanted Negroes. Thus there were units such as medical sanitary companies and airbase security battalions for which no use could be predicted.

Further, the in-flow of Negro draftees never managed to maintain an even 10 per cent of all draftees. It never embraced at any one time and in any one place a full cross-section of Negro skills and abilities. Few Negro units, therefore, could be guaranteed

the men that they needed; few units could be guaranteed the replacements they needed; no white unit could receive a Negro replacement, no matter how well prepared, and no Negro unit could receive a white specialist, no matter how great the need. Individuals could be temporarily assigned, at times, but this procedure was seldom resorted to even in times of great need.

The quota system, though it failed, did open the other armed services to Negroes. After the tightening of the manpower supply midway through the war, in February, 1943, the Army succeeded in forcing the Navy to accept its men through the draft; the War Manpower Commission then directed the Navy to accept Negroes proportionately with the other services.

The Navy and the Marine Corps were thereafter reluctant users of the draft, which made them subject to the provisions of the Selective Service Act. But the Navy and the Marine Corps are not pluralistic, multi-branched services. The Navy soon ran out of billets for Negroes in shore stations, ordnance units and construction battalions. In late 1943, it manned a destroyer escort and a patrol boat with mainly Negro seamen and white officers. This was hardly a successful venture; moreover, its logical extension would have been a cruiser or battleship manned by a Negro crew. Cartoons in the Negro press poked fun at the experiment, showing tiny black tugboats bringing up the rear in flotillas of giant white battleships and carriers. In August, 1944, the Navy assigned Negroes to 25 auxiliary vessels, limiting the Negroes to 10 per cent of the crew of each vessel.

The two fleet experiments demonstrated that Negroes could handle a wider variety of tasks aboard ship than had been believed and that the mixed crews had no real problems. In April, 1945, the Navy announced that Negroes were eligible for assignment, at up to 10 per cent of crew strength, to all auxiliary fleet vessels; in December, all ships were instructed that "In the administration of naval personnel no differentiation shall be made because of race or color"; and, on February 27, 1946, the Navy announced that Negroes were

eligible for "all types of assignments in all ratings in all activities and all ships of the naval service" and that in "housing, messing and other facilities, no special or unusual provisions will be made for the accommodation of Negroes." The Navy thus became the first major American institution to declare a non-discriminatory, non-segregational policy for all of its activities.

The Army, in the meantime, had conducted its own experiment, under somewhat different circumstances and auspices. In the Battle of the Bulge, at Bastogne, Belgium, in December, 1944, Negroes from supply and support units fought with the white riflemen of the besieged combat units. When the European Theater's Services of Supply offered Negroes the chance to retrain as riflemen, over 2,500 volunteered. Original plans to use these men as individual replacements were countermanded and the men were sent out in platoons to Third Army units along the Rhine and in companies to Seventh Army units in Southeastern France. Reports of performance were good, with the edge going to the smaller units. Since the one Negro division then in combat, the 92d, in Italy, had suffered continuing problems since its commitment as a division, the performance of the infantry replacements seemed to indicate the direction which the Army should take. Nonetheless, Army boards created after the war, while proposing increased opportunities for Negroes within the service, continued to support separate units and a quota system.

Finally, President Harry S Truman, in Executive Order 9981, July 26, 1948, declared it to be the policy of the President that "there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin." A committee was established in the same directive with authorization to examine the policies of the armed services with a view to determining how this order should be effected. The committee reported to the President in 1950, just as the Korean War was beginning, saying that it had found, "in fact, that inequality had con-

tributed to inefficiency." The Korean War hastened the implementation of the committee's findings. Informal and on-the-spot integration produced results similar to those of the infantry-replacement platoon integration at the close of World War II. The last of the large Negro combat units, the venerable but now shaken 24th Infantry, disappeared during the Korean War. By the close of the war in 1953, young Negro recruits serving in Korea found it hard to believe that an all-Negro infantry regiment had ever existed.

### THE DRAFT TODAY

A selective service or draft act exists to provide manpower for military forces. An equitable Selective Service Act is intended to spread the requirements for military service over the population's entire group of mentally and physically able men as fairly as possible and in accordance with the needs of the armed forces. All reports from Vietnam and from armed forces installations around the world point to circumstances within the armed forces which are markedly different from those at home.

There, [one observer reports] for the first time in history, an element of American society has fully accepted the Negro, with potentially great repercussions . . . the integration is as complete as any we are likely to see in our lifetimes. Whites take orders from Negroes or save Negro lives in combat. Negro and white soldiers eat, sleep, travel, and fight side by side. They even trade dirty jokes, something no one would have believed possible in 1950.<sup>1</sup>

Other dispatches and reports, such as those of Whitney Young of the Urban League and of Thomas A. Johnson of *The New York Times*, support this view. So do reenlistment figures, which show that Negroes reenlist in a ratio of two to one for whites.

Why, then, should there be any opposition to the draft at all among Negroes if Negroes in general feel that the biggest national failing is a refusal to count them in on the benefits of the mainstream of American life?

The operation of the draft and the relative

positions of the armed forces are themselves discriminatory. Of the services, the Army takes approximately 97 per cent of all draftees; the Marine Corps takes the remainder, for the Navy and the Air Force rely on volunteers. The result is that Negroes constitute approximately 13 per cent of the Army, 10 per cent of the Air Force, 5.6 per cent of the Navy, and 8 per cent of the Marines. Moreover, the proportion of Negroes in the combat forces, especially in Vietnam, is higher by far than their proportion in the Army and the number of Negro fatalities is higher still.

The National Advisory Commission on Selective Service reported in the spring of 1967 that Negroes constituted 11 per cent of the total enlisted strength in Vietnam, 14.5 per cent of the Army, and 22.4 per cent of all Army troops killed in action.

Current estimates are that Negroes constitute nearly 20 per cent of the combat forces, about 25 per cent of the front-line non-commissioned officers, about 2 per cent of the commissioned officers, and over 14 per cent of those killed in action.

The reduction in the current figures reflects the efforts of the Department of Defense to reduce criticism and to combat the notion, held by many Negroes, that the disproportionate combat death rate is intentional.

The figures on enlistments and reenlistments indicate that many Negroes feel that the armed services offer a better way of life for them and their families, at higher incomes and with better facilities for living, than the civilian society. This in itself is regarded as a strong, indirect criticism of American society, though the situation is not new. For most of their existence, the four Negro regiments of the old Army had waiting lists and, at times, when it was possible to enlist only by

(Continued on page 47)

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<sup>1</sup> Stephen E. Ambrose, "The Negro in the Army," *Baltimore Evening Sun*, April 19, 1968.



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Noting that "the budgetary cost of a professional army is nothing more than a reflection of the real cost of the draft," this economist evaluates the "hidden costs" of today's Selective Service and contrasts them with estimates of the cost of an all-volunteer army.

## Can We Afford the Draft?

BY WALTER Y. OI

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IN JUNE, 1967, Congress by an overwhelming majority voted to extend the draft for another four years. Unlike the previous extensions in 1955, 1959, and 1963, considerable debate and study preceded the passage of this bill. President Johnson by executive order established two study groups,<sup>1</sup> while the House Armed Services Committee undertook its own study with the Clark Commission. The reports of all three studies agreed on one conclusion; namely, there was definitely a need for some type of military draft. There were, however, many individuals who disagreed with this conclusion and opposed extension of the draft.\*

Senator Mark Hatfield (R., Ore.), Professor Milton Friedman and many others oppose the draft and advocate the adoption of

an all-volunteer army. They argue that our military manpower requirements could be met on a voluntary basis. Those who serve would serve out of choice, not compulsion, thereby eliminating all inequities of involuntary military service.

The unpopularity of the war in Vietnam has swelled the ranks of another group whose members oppose the draft because of their opposition to the war in Vietnam. They contend that if there were no draft, it would not be possible to continue the Vietnamese war at its present level. The thrust of their opposition is directed to a specific war, and the military draft happens to be the particular institution that they choose to attack.<sup>2</sup> In passing, I suspect that most members of this group would support an all-volunteer force, partly because they think that it might not work or that, if it did, the real cost of attracting enough recruits would be extremely high, thus revealing the war's real economic cost.

Finally, a third group of critics (whose leading spokesman is Massachusetts Democratic Senator Edward Kennedy) accepts the conclusion that some type of draft is essential. It objects, however, to the way in which the present Selective Service System through local draft boards picks draftees while other qualified men are allowed to avoid their military service obligations. The Marshall Commission documented the lack of consistent rules, and the clearly arbitrary actions of many local draft boards. In its report, the

\* Alternatives are discussed in *Current History*, August, 1968.

<sup>1</sup> In April, 1964, a study group was established in the Office of the Secretary of Defense. A summary of its report was presented by Assistant Secretary of Defense T. D. Morris and can be found in *Review of the Administration and Operation of the Selective Service System*. Hearings before the Committee on Armed Services, House of Representatives (June, 1966), Bulletin, No. 75. See especially pp. 9999-10093.

The National Advisory Commission on Selective Service (the Marshall Commission) was established in July, 1966. See its report, *In Pursuit of Equity: Who Serves When Not All Serve?* (Washington: Government Printing Office, 1967).

<sup>2</sup> The waging of wars requires both human and material resources. Human resources can be conscripted via a draft, but the Department of Defense continues to purchase material resources on a competitive basis. Congress through its control over appropriations could cut this flow of materials.

Commission recommended the adoption of a "Fair and Impartial Random" selection process, FAIR, which in spite of its fancy name is nothing more than a lottery. The lottery can surely achieve consistency and, in a very special sense, greater equity in who bears the burden of involuntary military service.<sup>3</sup> Notice that these critics do not oppose the concept of a peacetime military draft; they criticize only the way in which the conscripts are selected.

A glimpse of "who bears the burden of military service" is provided by the Department of Defense study. By July, 1964, the men who were born in 1938 had reached the age of 26, at which the draft liability is effectively terminated. Of the 1.19 million men in this age class, 51.6 per cent had satisfied their military service obligations: 7.6 per cent had been drafted, 33.9 per cent had volunteered as officers or regular enlisted men, and 10.1 per cent had served in reserve units requiring active duty only for basic training. If all men had been examined, 30 per cent would have been disqualified for physical or mental reasons. Hence, 18 per cent of this age class avoided the draft by obtaining deferments or exemptions for the 8.5 years of their draft liability.

In relation to the pool of qualified males, 59 per cent participated in active military service for two or more years. These participation rates ranged from a high of 77 per cent for high school graduates to a low of 32 per cent for college graduates; a result which is consistent with the claim that the more highly educated are less likely to serve. In the light of the rapid postwar growth in population in the United States, all of these participation rates will decline if force strengths return to their pre-Vietnam levels of 2.7 million men. According to Department of Defense projec-

tions, only 27 per cent of all males (39 per cent of qualified males) will be required to sustain active duty forces in 1970-1975.

Over the period 1960-1965, only the Army was obliged to take the draftees, who accounted for 21 per cent of new accessions to enlisted ranks in all four services. Many of the regular enlistments to all services can properly be classified as reluctant volunteers who enlisted because of the threat of being drafted. Approximately 38 per cent of the voluntary enlistments stated that if there had been no draft they would *not* have volunteered for active military service. The percentage of draft-motivated enlistments is about the same for newly-commissioned officers (41 per cent) and climbs to 71 per cent for volunteers to reserve units. The conscripts who have not volunteered and the reluctant volunteers are the ones who bear the largest part of the burden of national defense.

In principle, nearly every draftee and reluctant volunteer could be induced at some price to become a volunteer; that is, there is some level of military pay at which a draftee would have willingly left his civilian pursuit, be it job or school, and entered active military service. The draft, however, compels some and coerces others to serve without fully compensating them for it. Entry levels of military pay are absurdly low. The pay increases legislated by Congress since 1950 have applied only to men in the career force, the justification being that the draft assured adequate supplies of new recruits. An enlisted man on his first tour of duty (roughly three years) earns a monthly income (including the value of room, board and family allowances) of roughly \$210; a figure well below the poverty line and below the minimum wage of \$260 per month. The typical recruit who was drafted or who reluctantly volunteered in 1964 could have earned a civilian income of \$295 even after adjusting for the high incidence of unemployment of youths in this age group. The difference of \$85 between civilian and military incomes is a direct financial loss suffered by those who are obliged by the draft to serve. (In addition to

<sup>3</sup> Under a lottery, the probability of being drafted would be the same for all qualified youths who do *not* volunteer for military service. In my paper for the Joint Economic Committee of Congress, I argued that the number of volunteers is likely to be smaller under a lottery. Hence, more men would have to be drafted. For details see "The Dubious Need for a Draft" in *Economic Effects of Vietnam Spending*, Report of the Joint Economic Committee (April, 1967), Vol. I, pp. 300-301.

this direct loss, many youths incur further loss because they are not given enough extra compensation for the risks of combat service. In the civilian economy, premium pay is offered to attract workers to risky and odious occupations.)

### THE HIDDEN TAX

I earlier estimated the pay level of a voluntary force to be around \$350 a month.

The average difference of \$140 between the pay level of an all-volunteer force and the actual first-term pay of enlisted men constitutes a *hidden tax* paid by those men who happen to be drafted or who volunteer because of their draft liability. This hidden tax borne by those who serve redounds to the benefit of all taxpayers via a lower defense payroll budget. The burden of this hidden tax of the draft is primarily placed on youths from the lower middle classes of our socioeconomic strata. Those who go on to college, thereby enhancing their earning capacity, are most likely to avoid the draft and benefit from a lower defense budget.<sup>4</sup> The real economic cost of the manpower resources which are allocated to defense is thus shifted from taxpayers as a whole to that fraction of youths who are obliged to serve at below competitive rates of pay. This basic inequity

<sup>4</sup> The men on the lowest rungs of the economic ladder (the less educated, physically handicapped and mentally unqualified) also avoid involuntary military service by acquiring IV-F and I-Y deferments. The low earning capacity of this group assures, however, that they would pay few if any taxes.

<sup>5</sup> It is argued that the draftees of today will be the taxpayers of tomorrow. Hence, each generation takes its turn in bearing the hidden tax of compulsory military service. Unfortunately, the draft does not achieve this felicitous redistribution of the burden among generations. Only one-half of the men born in 1938 fulfilled their military service obligation, and only one-third of the youths reaching draft age by 1970-1975 will be asked to serve.

<sup>6</sup> There was, in addition, a third proposed alternative, equivalent national service wherein some youths could discharge their military service obligation by serving in the Peace Corps, VISTA, highway beautification or other "socially desirable" agencies. Two considerations argue against this option. First, who serves in these agencies and who is drafted into the Army? Second, the cost of enrolling two million men each year into these various programs is prohibitively high. If women are also obliged to serve (and some advocates of this option propose this), the cost becomes even higher.

of the draft—the hidden tax—was succinctly and eloquently summarized by Professor John K. Galbraith in his testimony before the Senate Armed Services Committee.

The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for.

The magnitude of the inequity is put in perspective by a simple comparison. According to my studies, the hidden tax of the draft in 1964 was conservatively estimated to be \$1,680 per year for each draftee and reluctant volunteer. Federal personal income tax payments in 1964 averaged only \$633 per adult over 21 years of age and \$590 per person over 18 years of age. The typical draftee is thus saddled with a hidden tax that is over twice as high as the federal income tax burden of an individual taxpayer.<sup>5</sup>

### ALTERNATIVES TO THE DRAFT

A draft in which only some men are conscripted represents one way of supplying the armed forces with qualified personnel. Two alternatives which were examined in all three studies were universal military training (UMT) and an all-volunteer force.<sup>6</sup> Although UMT achieves a measure of equity (or inequity, in the sense that all serve), it was rejected because the armed forces cannot efficiently utilize all qualified youths reaching draft age. In evaluating the merits of UMT, the Marshall Commission stated that "Changes in the technology of war, resulting in basic changes in military concept and requirements, have eliminated that need [for large land armies]." Some advocates of UMT argue that military service provides indirect benefits to some disadvantaged classes in the form of training and discipline which are partially transferrable to later civilian life. The basic fact is that in the light of future demands for defense, the cost of UMT (even at low military pay) is much too high.

An all-volunteer force has the obvious merit that no one is compelled to serve. All men would have the option of working in the civilian economy or entering the armed forces to insure our national defense. The military would no longer be saddled with the image of an odious occupational pursuit, something that must be done by someone. Pay, living conditions and other supplements would have to be improved to attract enough recruits for desired levels of defense capability. Moreover, if the armed forces had to pay competitive wages, it is more likely that we could attain greater efficiency in the use of manpower resources.

In spite of the many advantages of an all-volunteer force, it has received comparatively little attention. In a 65-page report, the Marshall Commission took only two pages to dismiss the all-volunteer army and to establish the "need" for a draft. Its five reasons for rejecting the voluntary force are examined in some detail below.

*Flexibility.* In a world fraught with international tensions, it is impossible to forecast with any degree of accuracy the force strengths that will be required to insure our national defense. Faced with such uncertainty, the commission declared, it would be folly to trust our national security to the ability of a professional army to adjust its strength quickly in response to a possible crisis.

The unasked question in this objection is, "What amount of flexibility is required of a professional army?" In the 12 years from 1954 to 1965, the largest year-to-year increase in force strength was 350 thousand men during the Berlin crisis of 1962. A substantial part of that mobilization was accomplished by recalling reserves to active duty.

The recent Vietnamese War escalation from June, 1965, to June, 1966—which raised force strength by 438 thousand men—was accomplished with virtually no reservists recalled to active duty. The present organization of Reserve and National Guard units defies rational explanation. About 1.3 million men are now in a ready, paid drill status. If the reserves were integrated under an overall military manpower policy and if their

strength were reduced to 700,000–800,000 men, they could supply the requisite flexibility to meet short-run demands for active duty personnel.

In any case, in the event of an all-out land war requiring force strengths of 4 to 6 million men, Congress always has the power to enact new draft legislation. Finally, it should be remembered that even with machinery for a draft the armed forces cannot induct and train one and one-half million men in a year. A voluntary force of 2.7 million men backed by a truly ready reserve of 700 thousand men could easily raise its strength by 300 to 400 thousand men in a single year.

*Cost of an All-volunteer Force.* The report of the Marshall Commission stated that "an exclusively volunteer system would be expensive although the Department of Defense gives no solid estimate of how much such a system would cost." Actually, the Department of Defense gave a wide range of cost estimates. In his testimony before the House Armed Services Committee in June, 1966, Assistant Secretary of Defense T. D. Morris stated that a voluntary force of 2.65 million men would cost between \$4 billion and \$17 billion per year. My own estimate of the cost is close to the \$4 billion figure, arrived at via the following analysis.

If the draft were abolished with no accompanying changes in pay or other recruitment incentives, the armed forces would lose the annual inputs of draftees and draft-motivated reluctant volunteers. Many youths with unattractive civilian job opportunities and with a desire to try military service (at least for one tour of duty) would still volunteer. Moreover, there is considerable evidence that each true volunteer would remain in service for a longer period. (Surveys of Air Force enlisted men reveal that those who enlist because of the threat of being drafted have substantially lower reenlistment rates.) That the higher pay of an all-volunteer force would also raise reenlistment rates is supported by the experience of proficiency pay for men in critical military occupations. It is also worth noting that the reenlistment rate of Negro soldiers (whose alternative civilian job oppor-

tunities are inferior to those of their white counterparts) is 49 per cent, compared to an average of only 22 per cent for all regular Army enlistments. Presently, over half of all Army recruits are either drafted or coerced to enlist by the threat of being drafted. As a consequence, the turnover of Army enlisted personnel under a continued draft is projected to be around 25 per cent per year.

If all recruits were true volunteers, I estimate that the turnover rate could be cut to 17 per cent per year, thereby reducing the demand for new recruits. Even with the lower personnel turnover of a voluntary force, there will be deficits between demands for a desired military level of 2.65 million men and supplies of true volunteers, with the deficit being largest for the Army, the only service which drafted men from 1957 to 1965. Under present conditions, by 1970-1975, the Army could expect annual flows of true volunteers of 90 thousand per year. In order to sustain the prescribed force strength (corresponding to a strength of 2.65 million for all four services), an all-volunteer Army would have to attract 144 thousand recruits.

The supply of volunteers could be expanded by various policies including higher base pay, initial enlistment bonuses, guaranteed training programs, or variable terms of service. It was assumed in the Defense study that higher base pay would be the only policy instrument for increasing the supply of enlistment applicants. The responsiveness of supplies of recruits to pay changes was estimated for the defense study.<sup>7</sup> To bridge the projected deficit in Army enlistments, approximately 54 thousand recruits, I estimated that first term pay (over the first three years of service) must be raised by 68 per cent; from \$2,500 to \$4,200 per year. To prevent inversions in the pay scales (wherein men with four years of service would be earning less than men with fewer years of service), the pay of the career force would also be increased. If the higher pay rates were applied

to the entire force of 2.65 million men, the addition to the military payroll budget would be approximately \$4 billion per year.

My cost estimate has been criticized as being too low because the demand for recruits was based on the lower turnover of an all-volunteer force. During the transition, more men would have to be recruited (implying higher pay) to replace draft-motivated enlistees as they leave. If, however, the transition were accompanied by declining force strengths, say from 3.2 to 2.7 million men, there would be no transitional difficulties. In an opposing direction, I have neglected many savings resulting from a move to a voluntary force. Lower turnover means that fewer recruits must be trained, producing considerable cost savings since at present there is nearly one trainer for each trainee. Moreover, the higher pay of a volunteer army makes it economical to substitute civilians in many noncombatant positions now staffed by uniformed men, many of whom were drafted or coerced to enlist. The base pay of a new recruit is projected to climb from \$100 to \$267 per month. It may well be the case that other incentives such as enlistment bonuses or post-service educational benefits could attract recruits at a lower cost. On balance, I am of the opinion that my estimate of \$4 billion for a voluntary force of 2.7 million men is, if anything, on the high side.

The skeptical reader will notice that my estimate agrees with the low end of the Department of Defense estimates; its "best" estimate was \$11 billion and its "high" estimate was \$17 billion. The "best" estimate implies that the monthly base pay of a buck private would be \$375, while the "high" estimate corresponds to base pay of over \$500. The total income including the monetary value of room and board would be even higher. These pay totals seem needlessly high if it is remembered that in the years ahead, 1970-1975, only one man in five must be enlisted to sustain an active duty force of 2.7 million men.

*Undesirable Social Consequences.* It is alleged that a professional army attracted only by financial incentives (the emotional

<sup>7</sup> The method of estimating the statistical supply curve is described in an article by S. H. Altman and A. E. Fechter, "The Supply of Military Personnel in the Absence of a Draft," *American Economic Review*, May, 1967, pp. 19-31.



"tag" is a "mercenary" army) could have undesirable social consequences, producing a military class, an all-Negro army, or an army of social misfits. The threat of a politically powerful military clique could be avoided by limiting tours of duty for officers to 12 to 15 years and by maintaining strict civilian control of the Department of Defense. Under present conditions, an all-Negro force is improbable. Even with its lower personnel turnover, a voluntary force must still demand 330 thousand recruits each year for enlisted ranks. Under present physical and academic standards, only 100 thousand to 120 thousand Negroes could become eligible for military service until the poverty problem is alleviated.

It is sometimes asserted that higher pay would attract only the mercenary to the services. To argue that individuals who receive a competitive wage to work in a particular occupation do so *solely* because of its monetary remuneration is surely a gross overstatement. Although we want dedicated teachers and honest policemen, few of us would advocate the use of a draft to staff undermanned police forces or to assure adequate supplies of qualified teachers. The high reenlistment rate of Negroes who have proven to be excellent members of the armed forces is largely due to the fact that the Negroes' economic position is better in the services where they are subjected to virtually no job discrimination. The payment of competitive wages does not imply an army consisting only of greedy men attracted to it by high pay.<sup>8</sup>

*Miscellaneous.* Two minor objections deserve brief mention. It is said that the armed forces have never been able to meet their manpower needs on a voluntary basis. The one time when a volunteer system was tried, in 1948-1949, the number of volunteers was sufficient to sustain a force of 1.5 million men

—an outcome which is cited as a failure of the system. However, the population base from which these men were recruited was only half the size of that which will be available in 1970-1975. We must engage in an active recruitment program and raise the absurdly low levels of pay before we discover whether enough men can be enlisted on a voluntary basis.

A second minor objection is that a professional army is contrary to the American tradition of a citizen militia. In my view of history, our tradition has been one of a professional army in peacetime backed by a potential civilian militia which can be triggered into existence in times of all-out war.

Proponents of the lottery and opponents of the Vietnamese War vociferously insist that the Selective Service draft is highly inequitable. They are, however, fashionably vague about the nature of this inequity. Moreover, the former group objects to the cost of replacing the draft by a voluntary system of military manpower procurement. Yet the budgetary cost of a professional army is nothing more than a reflection of the real cost of the draft.

To sum up, an all-volunteer force is entirely feasible at a budgetary cost of no more than \$4 billion a year. A professional, mercenary army is alleged to have undesirable social consequences. When these are explicitly spelled out and studied, some are found to be factually incorrect while others are easily controllable. The question of flexibility is the potential Achilles heel of a professional force. I believe, however, that in the light of probable future military demands, an all-volunteer army can achieve the requisite flexibility to insure our national

(Continued on page 49)

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<sup>8</sup> When National Service prevailed in the United Kingdom before 1960, conscripts were paid less than regular volunteers. In 1965, Australia introduced a draft based on a lottery system of selection. I asked a member of the Australian defense establishment if the Australians were going to follow the British system of lower pay for conscripts. He replied in the negative and added, "Why should we tax patriotism?"

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## BOOK REVIEWS

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# Readings on Selective Service: Part I

BY THOMAS A. REHM

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### I BOOKS AND STUDIES

- Carmichael, L. and Mead, L. C. (eds.). *The Selection of Military Manpower: A Symposium*. (National Research Council Publication No. 209.) Washington, D.C.: National Academy of Science, 1951.
- Chapman, Bruce. *The Wrong Man in Uniform*. New York: Trident Press, 1967.
- Cohen, E. E. and Kapp, L. (eds.). *Manpower Policies for Youth*. New York: Columbia University Press, 1966.
- Cornell, J. *The Conscientious Objector and the Law*. New York: John Day, 1945.
- Defense Advisory Committee on Professional and Technical Compensation. *A Modern Concept of Compensation for Personnel of the Unified Service*. (Cordiner Report.) Washington, D.C.: Government Printing Office, 1957.
- Eberly, Donald. *National Service*. New York: Russell Sage Foundation, 1968.
- Fitzpatrick, E. A. *Conscription and America*. Milwaukee: Richard, 1940.
- . *Universal Military Training*. New York: McGraw-Hill, 1945.
- Foot, M. R. D. *Men in Uniform*. New York: Praeger, 1961.
- Ginzberg, Eli, et al. *The Ineffective Soldier*. (Vol. I, II, III.) New York: Columbia University Press, 1959.
- . *Psychiatry and Military Manpower Policy: A Reappraisal of the Experience in World War II*. New York: Kings Crown Press, 1953.
- Glick, E. B. *Peaceful Conflict*. Harrisburg, Pennsylvania: Stackpole Press, 1967.
- Graham, J. *The Universal Military Obligation*. New York: Fund for the Republic, 1958.
- Horton, Frank J., et al. *How to End the Draft*. Washington, D.C.: The National Press, 1967.
- Howard, M. *Soldiers and Governments*. Bloomington, Indiana: Indiana University Press, 1959.
- Kintner, W. R. and Reinhardt, G. C. *The Haphazard Years: How America has Gone to War*. New York: Doubleday, 1960.
- Klassen, A. D., Jr. *Military Service in American Life Since World War II: An Overview*. (Report No. 117, National Opinion Research Center.) Chicago: University of Chicago Press, 1966.
- Kreidberg, M. A. and Henry, M. G. *History of Military Mobilization in the U.S. Army, 1775-1945*. Washington, D.C.: Government Printing Office, 1955.
- Leach, J. F. *Conscription in the United States: Historical Background*. Rutland, Vermont: Tuttle, 1952.
- Lerwill, L. L. *The Personnel Replacement System in the United States Army*. Washington, D.C.: Government Printing Office, 1954.
- Lyons, Gene M. and Masland, John W. *Education and Military Leadership: A Study of the ROTC*. Princeton, N. J.: Princeton University Press, 1959.
- Marx, Herbert L. *Universal Conscription for Essential Service*. New York: H. W. Wilson, 1951.
- Masland, John and Radway, Laurence F. *Soldiers and Scholars: Military Education and Public Policy*. Princeton, N.J.: Princeton University Press, 1957.

- Miller, James C., III (ed.). *Why the Draft? The Case for a Volunteer Army*. Baltimore: Penguin, 1968.
- National Advisory Commission on Selective Service. *In Pursuit of Equity: Who Serves When Not All Serve?* (Marshall Commission Report.) Washington, D.C.: Government Printing Office, 1967.
- National Manpower Council. *Student Deferment and National Manpower Policy*. New York: Columbia University Press, 1952.
- . *Government and Manpower*. New York: Columbia University Press, 1964.
- . *Manpower Policies for a Democratic Society*. New York: Columbia University Press, 1965.
- . *A Policy for Scientific and Professional Manpower*. New York: Columbia University Press, 1953.
- . *A Policy for Skilled Manpower*. New York: Columbia University Press, 1954.
- National Security Training Commission. *Universal Military Training: Foundations of Enduring National Strength*. Washington, D.C.: Government Printing Office, 1951.
- Pascoe, W. S., et al. *Outline of the Historical Background of Selective Service and Chronology*. Washington, D.C.: Government Printing Office, 1966.
- Sanders, J. *The Draft and the Vietnam War*. New York: Walker, 1966.
- Schelling, Thomas C. *Arms and Influence*. New Haven: Yale University Press, 1966.
- Sibley, M. Q. and Jacob, P. E. *Conscription of Conscience*. Ithaca: Cornell University Press, 1952.
- Stern, F. M. *The Citizen Army: Key to Defense in the Atomic Age*. New York: St. Martin's Press, 1957.
- Tax, Sol. *The Draft*. Chicago: University of Chicago Press, 1967.
- Trytten, M. H. *Student Deferment in Selective Service*. Minneapolis: University of Minnesota Press, 1952.
- United States President's Commission on National Goals Report. (American Assembly.) New York: Columbia University, 1960.
- United States President's Advisory Commission on Universal Training. *Report: A Program for National Security*. Washington, D.C.: Government Printing Office, 1947.
- United States President's Commission on Universal Training. *The Compton Report: A Program for National Security*. Washington, D.C.: Government Printing Office, 1947.
- United States President's Taskforce on Manpower Conservation. *One Third of a Nation*. Washington, D.C.: Government Printing Office, 1964.
- Walton, G. *Let's End the Draft Mess*. New York: McKay, 1967.
- . *The Wasted Generation*. Philadelphia: Chilton Books, 1965.
- Wright, E. N. *Conscientious Objectors in the Civil War*. Philadelphia: University of Pennsylvania Press, 1931.
- Zahn, G. C. *War, Conscience and Dissent*. New York: Hawthorne Books, 1967.

## II U.S. CONGRESS: REPORTS

- Committee on Armed Services, House of Representatives. *Universal Military Training and Service Act with Analysis*. 82nd Congress, 2nd Session. Washington, D.C.: Government Printing Office, 1952.
- . *Review of Administration and Operation of the Selective Service System*. 89th Congress, 2nd Session. Washington, D.C.: Government Printing Office, June, 1966.
- Committee on Armed Forces, U.S. Senate. *Universal Military Training and Service Act of 1951 Hearings*. 82nd Congress, 1st Session. Washington, D.C.: Government Printing Office, 1951.
- Committee on Military Affairs, U.S. Senate. *Universal Military Training Act Hearings*. 64th Congress, 2nd Session. Washington, D.C.: Government Printing Office, 1917.
- Universal Military and Service Act as Amended with Analysis*. Washington, D.C.: Government Printing Office, 1966.

(Part II will appear in August.)

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## CURRENT DOCUMENTS

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# The Marshall Commission Report

*In February, 1967, Burke Marshall, chairman of the National Advisory Commission on Selective Service, submitted the final report of the Commission to President Lyndon B. Johnson. The Commission's official summary of its conclusions follows:*

*To provide a flexible system of manpower procurement which will assure the Armed Forces' ability to meet their national security commitments under all foreseeable circumstances, the Commission recommends:*

**1. Continuation of a selective service system.**

*To make the controlling concept of that system the rule of law, rather than a policy of discretion, so as to assure equal treatment for those in like circumstances, the Commission recommends:*

**2. A consolidated selective service system under more centralized administration to be organized and operated as follows:**

A. National headquarters should formulate and issue clear and binding policies concerning classifications, exemptions, and deferments, to be applied uniformly throughout the country.

B. A structure of eight regional offices (aligned for national security purposes with the eight regions of the Office of Emergency Planning) should be established to administer the policy and monitor its uniform application.

C. An additional structure of area offices should be established on a population basis with at least one in each state. At these offices men would be registered and classified in accordance with the policy directives disseminated from national headquarters. (The Commission sees the possibility of 300-500 of these offices being able to answer the national need.)

(1) The use of modern data-handling equipment, as well as the application of uniform rules, would facilitate processing, registration, and classification.

(2) Under appropriate regulations, registrants would change their registration from one area office to another as they changed their permanent residence.

D. Local boards, composed of volunteer citizens, would operate at the area office level as the registrants' court of first appeal.

E. These changes should be made in the organization of the local boards:

(1) Their composition should represent all elements of the public they serve.

(2) The maximum term of service should be 5 years.

(3) A maximum retirement age should be established.

(4) The President's power to appoint members should not be limited to those nominated by the governors of the states.

(5) Women should be eligible to serve.

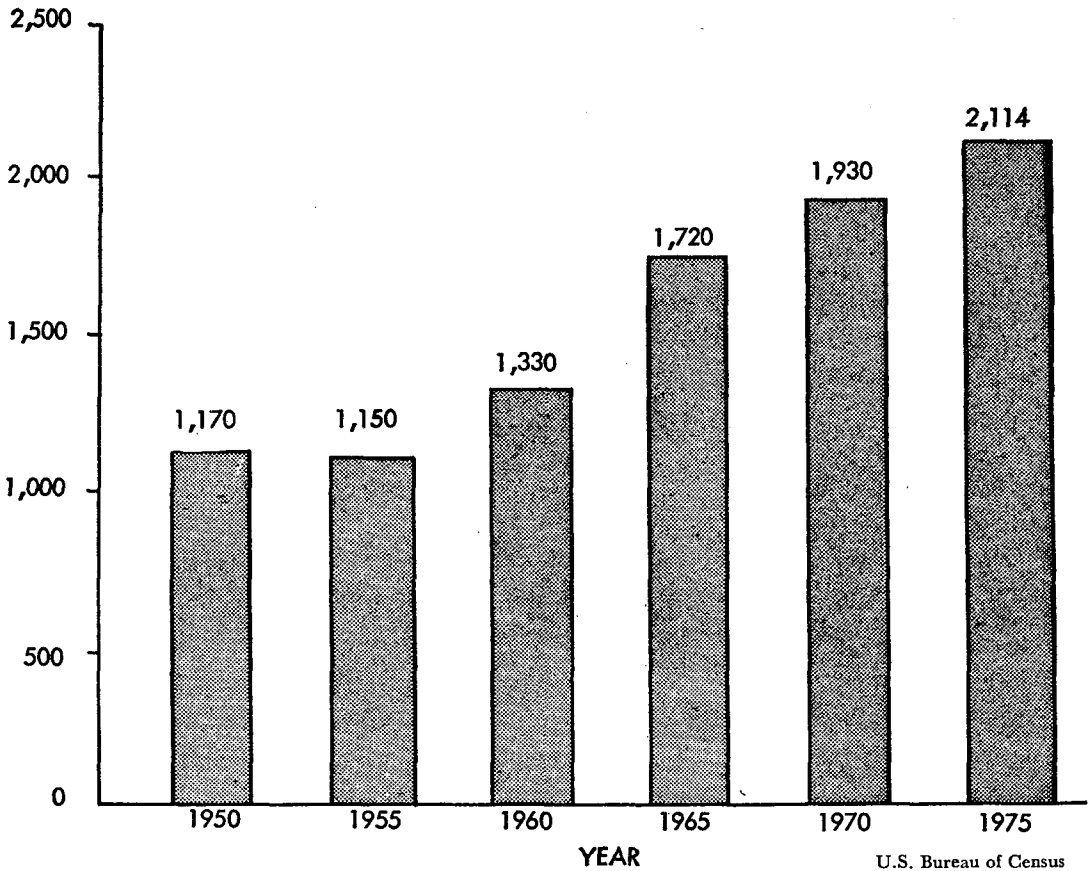
F. The entire appeals process should be made uniform and strengthened in the following ways:

(1) The registrant should be able to appeal his classification to his local board within 30 days instead of the 10 days presently stipulated.

(2) Local boards should put their decisions in writing so appeal boards will have the benefit of the record in making their decisions, and the registrant will be able to know the reasons for the decision.

(3) Appeal boards should be colocated with the eight regional offices, although oper-

ESTIMATED U.S. MALE POPULATION AGE 18.  
ACTUAL 1950-1965, PROJECTED 1970 AND 1975



ate independently of them. The National Selective Service (Presidential) Appeal Board would remain as presently constituted.

(4) Appeal agents should be readily available at the area offices to assist registrants in making appeals.

(5) An adequate number of panels should be established, above the local board level, for the specific purpose of hearing conscientious objector cases on an expedited basis.

*To remove widespread public ignorance concerning the operations of the Selective Service System, the Commission recommends:*

3. Both the registrant and the general public should be made fully acquainted with the workings of the improved system and the registrant's rights under it, in these ways:

A. Easily understandable information should be prepared in written form and made

available to all registrants each time they are classified.

B. An adviser to registrants should be readily available at the area office to inform and counsel registrants who need assistance with registration and classification problems.

C. Public information procedures regarding the entire system should be made more effective by national headquarters.

*To reduce the uncertainty in personal lives that the draft creates, and to minimize the disruption it often causes in the lives of those men who are called, the Commission recommends:*

4. The present "oldest first" order of call should be reversed so that the youngest men, beginning at age 19, are taken first.

*To further reduce uncertainty and to insure fairness in the selection of inductees from*



*a large pool of eligible men, when all are not needed, the Commission recommends:*

5. Draft-eligible men should be inducted into service as needed according to an order of call which has been impartially and randomly determined. The procedure would be as follows:

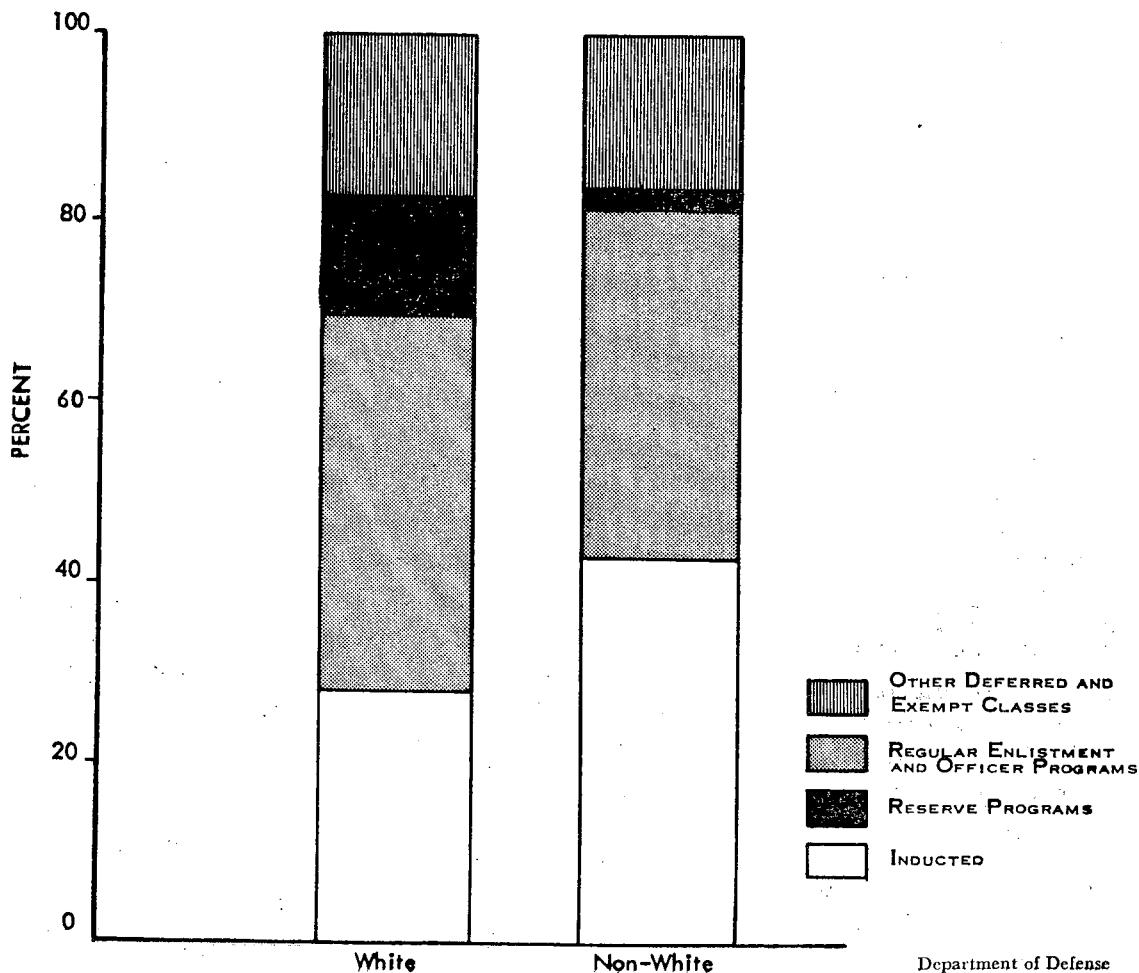
A. At age 18, all men would register, and as soon as practicable thereafter would receive the physical, moral, and educational achievement tests and evaluations which determine their eligibility for military service according to Department of Defense standards. (This universal testing would meet social as well as military needs.)

B. Those found to be qualified for service (I-A) who would reach the age of 19 before a designated date would be included in a pool of draft eligibles. Those men reaching 19 after that date would be placed in a later draft-eligible pool.

C. The names of all men in the current draft-eligible pool would be arranged in an order of call for the draft through a system of impartial random selection.

D. For a specified period (a year, or possibly less), men in the pool would undergo their maximum vulnerability to the draft. Induction, according to the needs of the Department of Defense throughout that period,

MILITARY SERVICE EXPERIENCE OF ELIGIBLE MEN  
26-34 YEARS OLD IN 1964 BY COLOR



would be in the sequence determined by the impartial and random process.

E. When the specified period of maximum vulnerability had elapsed, an order of call would be determined for a new group of men, and the remaining men in the previous pool would not be called unless military circumstances first required calling all of the men in the new group.

6. No further student or occupational deferments should be granted, with these exceptions:

A. Under appropriate regulations which will safeguard against abuses, students who are in school and men who are in recognized apprentice training when this plan goes into effect will be permitted to complete the degrees or programs for which they are candidates. Upon termination of those deferments they will be entered into the random selection pool with that year's 18-year-olds.

B. Thereafter, men who are already in college when they are randomly selected for service would be permitted to finish their sophomore year before induction.

C. Men who undertake officer training programs in college should be deferred, provided they commit to serve in the Armed Forces as enlisted men if they do not complete their officer programs.

(These represent majority decisions; a minority of the Commission favors continued student deferment.)

D. Hardship deferments, which defy rigid classification but which must be judged realistically on individual merits, would continue to be granted.

7. Study should begin now to determine the feasibility of a plan which would permit all men who are selected at 18 for induction to decide themselves when, between the ages of 19 and 23, to fulfill that obligation. Inducements would be offered to make earlier choice more attractive, and the option of choice could always be canceled if manpower needs were not met. If the feasibility of this plan is confirmed, the plan should be put into effect as soon as possible.

*To broaden the opportunities for those who*

*wish to volunteer for military service, the Commission recommends:*

8. Opportunities should be made available for more women to serve in the Armed Forces, thus reducing the numbers of men who must involuntarily be called to duty.

9. The Department of Defense should propose programs to achieve the objective, insofar as it proves practicable, of accepting volunteers who do not meet induction standards but who can be brought up to a level of usefulness as a soldier, even if this requires special educational and training programs to be conducted by the armed forces.

*To remove the inequities in the enlistment procedures of the Reserve and National Guard programs, the Commission recommends:*

10. Direct enlistment into Reserve and National Guard forces should not provide immunity from the draft for those with no prior service except for those who enlist before receiving their I-A classification.

11. If the Reserves and National Guard units are not able to maintain their force levels with volunteers alone, they should be filled by inductions. Inductions would be determined by the same impartial random selection system which determines the order of call for active duty service.

*The Commission supports recommendations presented to it by the National Advisory Commission on Health Manpower and the Department of State:*

12. A national computer file of draft eligible health professionals should be established to assist selective service area offices to place their calls for doctors and dentists and allied professions so as to cause minimum disruption in the medical needs of the community.

13. Policies governing the drafting of aliens in the United States should be modified in the following ways to make those policies more equitable and bring them into closer conformity with the country's treaty arrangements:

A. All nonimmigrant aliens should be exempt from military service.

B. Resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

C. One year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship.

D. Aliens who have served 12 months or more in the Army Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligation should be given for any such service of a shorter period.

In arriving at the recommendations presented herein, the Commission considered other propositions which it rejected. Among them were:

1. Elimination of the draft and reliance on an all-volunteer military force.

Although there are many arguments against an exclusively volunteer force, the decisive one, the Commission concluded, was its inflexible nature, allowing no provision for the rapid procurement of larger numbers of men if they were needed in times of crisis.

2. A system of universal training.

In the context in which the Commission studied it, universal training is a program designed by its proponents to offer physical fitness, self-discipline and remedial training to great numbers of young Americans—and not a substitute for the draft. The Commission concluded that:

A. Such a program cannot be justified on the grounds of military need, and

B. Compulsion is not a proper means of accomplishing the worthwhile objectives of rehabilitation.

The problem of men rejected for service for health and educational deficiencies, to which universal training is directed, is one which presents the country with a tragedy of urgent dimensions. Recommendations in this report will, the Commission hopes, help to alleviate this problem. The proposal to examine all 18-year-old men will help in identifying the problems and obtaining assistance for those rejected. The proposal to permit

men failing to meet induction standards to volunteer for service and receive special training will also be of value. But the larger part of this problem is imbedded in the conditions of the rejected men's lives, such as discrimination and poverty. It is essential to the future of the country that further steps be taken to correct those conditions before they can grow—as they are growing now—into a national shame and a threat to the nation's security.

3. A system of compulsory national service; and along with that,

4. Volunteer national service as an alternative to military service.

The Commission found first of all that there are difficult questions of public policy—and a lack of constitutional basis—involved in compulsory national service. Second, it concluded that no fair way exists to equate voluntary service programs with military service.

Volunteer national service must, then, be considered on its own merits as a separate program unrelated to military service. That there is a spirited interest in such service today is abundantly clear. But the needs which such service would meet and the way in which programs would be administered and financed are matters which are still inconclusive. The Commission received no clear or precise answers to the questions it raised concerning them. The Commission is sensitive to the spirit which motivates the desire for national service, and it suggests further research to define the issues more clearly, together with public and private experimentation with pilot programs.

5. Recognition as conscientious objectors of those opposed to particular wars (instead of war in any form).

There is support within the Commission for this proposal. However, a majority of the Commission opposes it. The Commission majority believes, moreover, that the recent Supreme Court decision in *U.S. v. Seeger* offers sufficient guidance in defining the standards of the conscientious objector's position. That decision interprets the statute's

*(Continued on page 49)*

## THE DRAFT AND THE NEGRO

*(Continued from page 33)*

going to Fort Huachuchua in Arizona where one of the regiments was stationed, eager applicants showed up from as far away as New York and the Philippines.

The draft process itself reveals other glaring inequities. An often stated reason for the high proportion of Negroes in the combat forces is that relatively few Negroes enter the Army with a reasonably high level of education or with acquired skills, so that they are less readily eligible than whites for specialized, technical assignments and schools. This is an unfavorable reflection on the public educational system available to Negroes and on an industrial economy that fails to train the Negro potential in our society.

Moreover, in the matter of deferrable classes and occupations, Negro youths are at a distinct disadvantage. Relatively fewer Negroes are attending colleges and graduate schools; most Negroes have not therefore been eligible for student deferments. Few are in critical occupations and those who are so employed are seldom the sole physicians or specialists upon whom an entire community depends.

Nor can Negroes rush to join the National Guard as a means of avoiding—even if temporarily—combat assignments; Negroes in the Guard today represent only 1.15 per cent of the total and only 0.6 per cent of the Air National Guard.

For these and other reasons, some 30.2 per cent of qualified Negroes are drafted, while 18.8 per cent of the qualified whites are drafted. The constitution of local draft boards may also play a part in this picture; they certainly share the criticism levelled against the Selective Service System as it has operated in the immediate past. Many draft boards, until 1967, retained most of their World War II and Korean War members. In mid-1966, only 1.3 per cent of all draft board members were Negroes, although the national Negro population is about 12 per cent.

During 1967, at least 316 Negroes were added to the nation's 4,080 local draft boards, making approximately 600 in mid-1968.

To overcome the inequities of the present system of selection and deferments, many Negroes, including members of the National Association for the Advancement of Colored People, support a return to a lottery system.

Obviously affecting attitudes towards the draft is the conviction, held by a rapidly growing number of Negroes and many whites, that the war in Vietnam is not only an unjust war but one whose enormous budget prevents adequate attention to problems at home, especially to the reconstruction of cities and the war on poverty. College students of the Society of African and Afro-American Students have been especially vocal in their opposition to the "racist war in Vietnam." In the spring of 1967, their New England Regional meeting, attended by 200 students from 14 colleges, declared that "We believe that America is the black man's battlefield and that the black man must not join the atrocities of this war." Upon his return to the mainland from Bimini, Representative Adam Clayton Powell (D., N.Y.) gave college audiences an updated version of a saying frequently repeated by Negro soldiers in the Pacific during World War II: "Here lies a black man killed fighting a colored man for the white man." (In World War II the second term was usually "yellow man" while the first was "colored man.") For a year before he was slain, Dr. Martin Luther King, Jr., had opposed the Vietnamese War as "a blasphemy against all that America stands for," a war in which Negroes are "dying in disproportionate numbers in Vietnam. Twice as many Negroes as whites are in combat." This he saw as a "reflection of the Negro's position in America." While the N.A.A.C.P. deplored a merger of the civil rights and peace movements, CORE (Congress of Racial Equality) and SNCC (Student Nonviolent Coordinating Committee) agreed, along with most of the locally-based Black Power and separatist movements.

A number of Negroes, primarily from the college and intellectual groups, have ap-

plied for conscientious objector status from their local boards because of moral objections to the Vietnamese War, nor is it possible to know how much further the pitifully small number of Negro commissioned officers will be reduced by the reluctance of young Negroes of college age to enter Reserve Officer Training Corps units because of their opposition to what they see as a colonial or racist war.

In service, there are clear advantages for Negroes noted by most observers and many participants; thus there is a high rate of enlistment and reenlistment "generated largely by the superiority of opportunity for training and advancement in the military sector as compared with civilian life" (as Mahlon T. Puryear, executive director of the Urban League, phrased it when announcing the establishment of an Office of Veterans Affairs by his organization in the late summer of 1967). Yet it is unlikely that the Negro of the ghetto, whose whole encounter with his environment produces anger, anxiety and hostility growing out of his sense of entrapment, will find the draft an inviting solution. If he does, he does not wait to be drafted: he volunteers instead and looks ahead to an assignment in Germany or Hawaii or even in Vietnam.

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## THE WAR PROTESTER

*(Continued from page 27)*

and registrants—may turn out to be equally fallacious, although the law does not yet give us any assurance on this point. What I think to be a fallacy is the belief that to be entitled to exemption a conscientious objector must be equally opposed to *all* wars; that an objector to the *particular* war for which he is being drafted cannot qualify.

The reason I believe it to be a fallacy is that I believe this interpretation and this application of the statute would constitute an unconstitutional discrimination between different kinds of beliefs. It would be like exempting Quakers and drafting Mennonites because Congress thought Quakers were more deserving of exemption—or vice versa. Such an action would be an obvious unconstitu-

tional discrimination, and a discrimination against particular-war objectors could be held to be equally unwarranted. All of the reasons for the exemption may apply as much to an individual who finds participation in the war to be unconscionable as to a universal pacifist.

To put the same idea in another way, discriminating against a particular-war objector is like discriminating against an unconventional religious belief. To the important questions asked by the Selective Service System the conventional religious believer, the unconventional pacifist and the particular-war objector all give fundamentally the same answers:

I cannot participate in what conscription now asks of me because to do so would be an unconscionable wrong. I cannot in good conscience let my government decide for me this question of right or wrong. I am still responsible for the wrong.

The other answers that distinguish these three registrants are all hypothetical and irrelevant to the issue of conscience: "I do (or do not) believe in God and the immaculate conception." "I would (or would not) participate in a war like World War II, which [he may have to add] occurred before I was born. Just as the answers conforming to conventional religious theology have been ruled to be irrelevant, so too, I hope, the answers about participating in some other, hypothetical war will some day be held to be immaterial.

The man who feels deeply that participating in this war would be wrong faces a cruel dilemma. To accept induction is to violate that which is most central to his being, to destroy his moral integrity. The alternative most commonly considered are jail or exile and neither of them is a truly acceptable alternative. The remaining alternative—to apply for a conscientious objector exemption and, if necessary, to carry the case up through the appeal procedures and the courts—may be harsh but it may be rewarding. The protester who appeals will be doing honorable battle for what ought to be his right—and for the rights of all others like him—in the great tradition of American freedom.



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## THE MARSHALL REPORT

*(Continued from page 46)*

requirement that conscientious objection be based on religious training and belief, to include "a given belief that is sincere and meaningful [and] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption."

There remains another point to be made in this summary:

The Commission gave careful study to the effect of the draft on and its fairness to the Negro. His position in the military manpower situation is in many ways disproportionate, even though he does not serve in the Armed Forces out of proportion to his percentage of the population. He is underrepresented (1.3 percent) on local draft boards. The number of men rejected for service reflects a much higher percentage (almost 50 percent) of Negro men found disqualified than of whites (25 percent). And yet, recent studies indicate that proportionately more (30 percent) Negroes of the group qualified for service are drafted than whites (18 percent)—primarily because fewer Negroes are admitted into Reserve or officer training programs. Enlistment rates for qualified Negroes and whites are about equal, but reenlistments for Negroes are higher: Department of Defense figures show that the rate of first-term reenlistments is now more than double that of white troops. Negro soldiers have a high record of volunteering for service in elite combat units. This is reflected in, but could not be said to be the sole reason for, the Negro's overrepresentation in combat (in terms of his proportion of the population): Although Negro troops account for only 11 percent of the total U.S. enlisted personnel in Vietnam, Negro soldiers comprise 14.5 percent of all Army units, and in Army combat units the proportion is, according to the Department of Defense, "appreciably higher" than that. During the first 11 months of 1966, Negro soldiers totaled 22.4 percent of all Army troops killed in action.

There are reasons to believe, the Commis-

sion finds, that many of the statistics are comparable for some other minority groups, although precise information is not available. Social and economic injustices in the society itself are at the root of inequities which exist. It is the Commission's hope that the recommendations contained in this report will have the effect of helping to correct those inequities.

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## CAN WE AFFORD THE DRAFT?

*(Continued from page 39)*

security. A yearly increment of 438 thousand men to the active duty forces was sufficient to meet the worst crisis which we have experienced in the last 15 years. A voluntary force backed by a truly ready reserve could easily raise its active duty strength by 400 thousand men.<sup>9</sup> Finally, the budgetary cost of an all-volunteer force simply makes explicit what is now implicit and hidden. It is truly unconscionable that the youths who are coerced to serve must also bear the burden of these hidden taxes.<sup>10</sup> Unless we take steps now, the inequity of the draft will become even more acute as the population of draft eligible youths continues to grow and military demands return to their pre-Vietnamese War levels. As a nation, we cannot afford a draft which exacts such a high, albeit a hidden, cost from a minority of youths compelled to serve in the armed forces.

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<sup>9</sup> On page 14 of the Marshall Commission report, estimates are given of annual enlistment and draft requirements to sustain alternative hypothetical force strengths which range from 2.0 to 3.5 million men. These hypothetical strengths are indicative of Department of Defense estimates of the range of probable future needs. Although my cost estimates apply to a force of 2.7 million, I believe that we can maintain a force of 3.2 million on a voluntary basis and thus cover the range of probable needs.

<sup>10</sup> There is ample evidence that Congress is embarrassed about the absurdly low levels of military pay. Congress has enacted a variety of post-service benefits for veterans, ranging from educational benefits to subsidized life insurance and mortgage guarantees, and medical care at Veterans Hospitals.

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ERRATUM: On page 300, line 17, of our May, 1968, issue, Paul von Hindenburg was incorrectly identified through editorial oversight. The sentence should begin "Field Marshal Paul von Hindenburg . . ." We regret the error.

## THE SELECTIVE SERVICE SYSTEM

*(Continued from page 6)*

It has met and solved all military manpower problems of a large and complex nature for more than a quarter century, in the course of which there have been several wars and quasi-wars.

At the same time, it has also protected the civilian economy sufficiently to enable the nation to engage fully in all defense-supporting activities. This dual function and the organization necessary to perform it is strictly an American product, built on the foundation of the American heritage by American ingenuity and effort. At least every four years the Congress has reevaluated its cost and its performance. It has produced more than one-half million men a month for the armed forces. It has continued to inventory potential military manpower and to remain ready over periods of months when calls were low or non-existent. Its resilience and flexibility have been repeatedly tested.

It has the built-in attribute of being close to the people whose lives it affects. This permits local rule, with its related pride of participation and accomplishment. It offers the individuals most concerned a local and available place of adequate authority to request whatever changes, postponements and reconsiderations may be necessary to accommodate the myriad last-minute problems that registrants encounter when faced with imminent induction.

### POTENTIAL FOR EMERGENCY

By design, the Selective Service System is made up of completely self-sustained, self-operating units—the more than 4,000 local boards. If this nation should ever find it necessary to survive on a segmented basis until national or even state government could be reestablished, throughout that period the Selective Service System local boards will have the authority, capacity and “know-how” to carry on the function of procuring military, quasi-military and police personnel, or even

to locate and assign skilled manpower to the necessary work of reconstruction in a temporarily disrupted area.

The System as constituted invades all economic levels, all educational institutions, all geographic areas and all ethnic groups. They are not expected to contribute equally because they do not contribute equally to the national interest (which does not itself remain constant and invariable), and they are not found equally acceptable by the armed forces. But they are not ignored. They are weighed with the scales that are available. As more modern, more sophisticated scales or devices are discovered, the System can adopt them. The System is representative of the American people, as clear an example as exists today of government of the people, by the people, and for the people.

## MILITARY TRAINING IN THE U.S. TODAY

*(Continued from page 12)*

ganization as in any other. In fact, success on the battlefield could hardly be gained without them.

The extensive physical development programs present in most military training substantially improve the physical condition of the trainee, building muscle and removing excess weight. Training in first aid and in personal and oral hygiene coupled with extensive medical care, regular hours and careful safety programs contribute toward keeping the trainee in his best physical condition. Courses in character guidance, opportunities to attend church, and weekly troop information periods assist in developing citizenship and in providing the trainee with a concept of his responsibilities and duties as a citizen as well as a soldier.

Every trainee has the occasion to develop a technical or mechanical skill and to enhance his educational background. In a number of cases, he will learn a trade or skill which is readily transferable to his civilian life on the completion of his service. In other cases, he will be able to take courses which can be credited to his further education. In any

event, he gains social maturity through the requirement of working with others, a practical grasp of the basic fundamentals of the maintenance of equipment and machines and the realities involved in applying theory to practice.

For the disadvantaged or minority groups, military training and service provide prominent avenues for social mobility and recognition. With advancement based primarily on performance and merit, the trainee finds practically none of the handicaps of race, social status, or family influence that are common in civilian society. Knowledge, character, skill and ability count, whether the individual is being selected for enlisted or officer advancement.

All of those leaving the service who have not completed their education are qualified for an educational subsidy of up to \$130 a month for a fully enrolled student without dependents for each month in the service up to 36 months. Over 671,000 discharged servicemen have taken advantage of this program since June 1, 1966. Under Project Transition, the Department of Defense expects to provide education, vocational training and civilian job opportunities to an additional 150,000 discharged servicemen each year.

### **MILITARY TRAINING AND SOCIETY**

Today our social environment faces rapid social and technological change and shows many signs of the stress which such a period generates. The large organizational structures of business, industry, education, and government exert increasing influence over the expectations, attitudes and behavior of the individual. At the same time the social discipline and cohesion developed within the family and local community have steadily declined.

Decades of permissiveness in education and child rearing have led us toward a self-centered emphasis on individual autonomy and choice. Self-actualization, self-achievement, self-satisfaction and self-development have been assuming an increasing status in the spectrum of social values over those of

obligation, duty and responsibility. This growing individualism has been coupled with a declining respect for established authority. Yet our society has a continuing need for a way to develop among its citizens those characteristics necessary for social cohesion and teamwork.

Military training has long been perceived both here and abroad as an essential means for social and citizenship training. As we have seen, it is designed to focus the individual on the needs and requirements of the group and to give him a sense of duty and responsibility for his fellows. Skill in social accommodation which enables the individual to achieve self-fulfillment within an organizational setting is implicit in the training system. The development of advanced mechanical, administrative and technical skills among trainees provides an extensive reservoir of skilled labor, supplementing the efforts of the civilian educational systems. Programs designed to assist the educationally or culturally deprived have been introduced into the military training system, both to aid them to attain desired standards in military organizations and to provide them with job skills on their return to civil life. Above all, military training engenders a feeling of identification with and responsibility for service to the nation. This training in the basic elements of citizenship coupled with the technical skill and the social skills gained in the service make the returning serviceman an asset to the community as well as to any prospective employers.

History tells us that no nation can long survive if its citizens are either unwilling or unable to bear arms in its defense or in the defense of its liberties and ideas. Until universal peace reigns over the globe we must be prepared to defend ourselves, our rights and our property against those who wish us ill or desire to gain control of our persons or property. Training a substantial number of our citizens in the military skills remains today, as in the past, our most positive insurance that we will be able to pass on to our descendants the democratic freedoms and economic advantages we inherited from our fathers.

## THE ROLE OF THE ARMED SERVICES

(Continued from page 17)

Within a social accounting framework, the value of labor input must be measured by the wage paid in the occupation in which the individual is engaged, and by his potential alternative wage.

The existence of the draft in the United States has in effect negated this equality in regard to manpower utilization in the United States military.<sup>14</sup> If the armed forces are actually equating the marginal cost of their manpower with the marginal benefits of that manpower, using the current wages of the armed forces, they are, in effect, overutilizing and underpaying labor.

### UNDERPAYING LABOR

This argument can be most forcefully put in a simple analogy. Many states and localities currently use convict or "chain gang" labor for the maintenance of public grounds and roadsides. With such manpower, an efficient combination of capital and labor could be ten men using ten scythes. Should chain gangs be abolished, there would be no public outcry for the state to hire replacements for these ten men. Rather, efficiency would dictate the use of one man and a rotary mower. The availability of labor at below-market costs dictates a labor intensive operation rather than a capital intensive operation.

It has already been observed that the wage paid to the soldier, whether enlisted man or officer, is in many cases below his alternative civilian wage. If military wages were equal to or above alternative wages, the armed forces would not need to rely on the draft. Since conscription is necessary to maintain the current manpower pool of the services, we may conclude that the costs imputed to military manpower are too low. If social

costs rather than wages paid were used in the allocation of labor to and within the armed forces, it would be obvious that manpower usage should be reduced and capital substituted. While this is probably correct with regard to the overall picture it is most evident in those technical positions which the armed forces most need to fill.

The cost of the highly trained or skilled technicians is higher than that of other personnel in the armed forces, because the services offer variable reenlistment bonuses and proficiency pay in an attempt to keep trained personnel as long as possible. The existence of the draft in the United States practically assures the services of any quantity and quality of manpower. The draft cannot, however, assure the retention of skilled manpower beyond the initial service obligation. Since reenlistment bonuses and proficiency pay have not served to meet the skilled manpower requirements of the armed forces, the attempt of the services to retain skilled manpower has failed.

### MEASURE OF EFFICIENCY

The proper measure of efficiency is alternative costs rather than actual military pay. An examination of reenlistment rates makes it obvious that for both enlisted men and officers the highly skilled are most likely to leave the service at the earliest possible date. The military's payment of below-market wages, as well as the utilization of skilled manpower in nonskilled housekeeping duties during an initial term of service, make this problem of resource allocation severe when jobs for skilled labor are available in the civilian economy.

How should the armed forces secure enough manpower to maintain force levels of three or three and one-half million men? The question is not relevant as traditionally posed. Rather we should ask: Given a desired level of military preparedness and defense capabilities, how many men of which skills should be allocated to the armed forces? Until this question can be resolved, there can be no clear appraisal of the defense manpower situation.

<sup>14</sup> For a full discussion of obstacles to efficient resource allocation in the military, see Harry J. Gilman, "Military Manpower Utilization," in Stephen Enke, ed., *Defense Management* (Englewood Cliffs, N.J.: Prentice-Hall, 1967), pp. 245-265.

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# THE MONTH IN REVIEW

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*A CURRENT HISTORY chronology covering the most important events of May, 1968, to provide a day-by-day summary of world affairs.*

## INTERNATIONAL

### African Conference

May 14—Fourteen East and Central African states end a 2-day meeting; the possibility of closer cooperation in trade, transport and telecommunications has been discussed.

### Disarmament

May 31—The U.S. and the U.S.S.R. announce changes in the nuclear nonproliferation draft treaty that guarantee small countries the benefits of peaceful nuclear power, promise more efforts to end the arms race and reinforce the U.N. charter provisions against the use of force.

### General Agreement on Tariffs and Trade (Gatt)

May 1—Following 3 weeks of consultations, 16 industrialized nations—all Gatt members and the major trading partners of the U.S.—offer to accelerate tariff cuts on American exports to help ease the U.S. balance of payments deficit. The proposal will make a 22 per cent reduction in tariffs on U.S. exports effective January 1, 1969 (one year earlier than scheduled); it will also allow the U.S. to delay for one year tariff cuts on imports scheduled for January 1, 1969.

### International Monetary Crisis

May 20—The price of gold reaches a record high of \$42.30 an ounce on London's free market.

### Latin America

May 21—At the end of 2 days of talks in Bolivia, the foreign ministers of Argentina, Bolivia, Brazil, Peru and Uruguay agree to cooperate in the economic development of the Rio de la Plata basin.

May 26—The foreign ministers of Argentina, Bolivia, Paraguay and Peru meet to expedite planning of a highway from Caracas to Sao Paulo and Buenos Aires.

### Middle East Crisis

May 2—In a 20th anniversary celebration in Jerusalem, Israel stages the largest military parade in her history in defiance of a U.N. Security Council resolution.

May 5—Israeli occupation authorities impose restrictive measures against residents of Ramallah, in the Israeli-occupied sector of Jordan, as punishment for a protest strike staged May 2 against Israel's 20th anniversary parade.

May 9—The U.A.R. announces that it has accepted the proposal of Gunnar V. Jarring, U.N. envoy to the Middle East, that Middle East peace negotiations be transferred to U.N. headquarters in New York.

May 16—In Cairo, Western diplomats report that the U.A.R. is willing to end the state of war with Israel and to allow Israeli shipping the right to use the Strait of Tiran, if Israel will withdraw from Arab territory.

May 21—The Security Council adopts a resolution declaring invalid Israel's expropriation of land and Arab property in Jerusalem, voicing Security Council opposition to Israel's administrative unification of Jerusalem's Jordanian and Israeli sectors. The U.S. and Canada abstain.

May 23—Israeli Premier Levi Eshkol insists that Israel is determined to hold direct talks with her Arab neighbors.

May 24—An Arab Office for the Boycott of Israel plans a conference in Lebanon.

May 28—Israeli military forces in the Gaza Strip seal off Arab traffic as Arab women continue to demonstrate against the arrest of suspected terrorists.



Israel pays the U.S. \$3 million in indemnity for the Americans killed on the U.S. ship *Liberty* June 8, 1967.

### North Atlantic Treaty Organization (NATO)

May 10—British Defense Minister Denis Healy announces at a meeting of NATO defense ministers in Brussels that Britain will increase her NATO troop commitment by 40 per cent. Britain will also contribute some naval vessels and forces to the NATO command in the Mediterranean.

### Organization of American States (O.A.S.)

May 18—Galo Plaza Lasso of Ecuador is sworn in as secretary-general of the O.A.S.

### United Nations

May 7—In a report to the General Assembly, the U.N. Council for South West Africa urges the Security Council to use force to wrest South-West Africa from South Africa.

May 13—The U.N. Conference on Human Rights ends a 3-week meeting in Teheran. Delegates from 80 nations unanimously approve a 19-point "proclamation of Teheran," including a condemnation of apartheid.

May 24—A Security Council meeting is scheduled to hear Haiti's complaint about the airborne landing of armed exiles. (See also *Haiti*.)

### War in Vietnam

May 2—The U.S. Command in Vietnam asserts that the allied assault through the Ashau Valley has severed the major North Vietnamese supply lines and infiltration route.

May 3—U.S. President Lyndon B. Johnson announces that the U.S. and North Vietnam have agreed to open formal talks in Paris on the Vietnamese War. North Vietnam declares that the purpose of the Paris meeting is to work out an unconditional halt to the bombing of any part of North Vietnam.

May 5—In a televised interview, George W. Ball, U.S. representative-designate to the U.N., reports that so far in 1968 North Vietnamese infiltration into South Vietnam has totaled between 80,000 and 100,000 men.

Vietcong rebels launch a series of coordinated mortar attacks on Saigon and several other South Vietnamese cities. 119 separate attacks are counted.

May 7—In Saigon, Vietcong guerrillas intensify their attacks: the Tansonnhut air base, the national police headquarters, a power station and South Vietnamese military installations are struck with mortar shells and rockets.

May 8—On the southern and western edges of Saigon, entire blocks are engulfed by fires as fighting continues. Thousands of civilians flee to central Saigon.

In Saigon, it is reported that some 22,000 residents are homeless as a result of the Vietcong attacks; the figure is expected to double.

May 10—Saigon officials report that yesterday South Vietnamese planes bombed close to Saigon's downtown business district in an attempt to check the Vietcong offensive.

U.S. and North Vietnamese delegates confer officially in Paris at the International Conference Center, made available by the French foreign ministry. The second-ranking members of the U.S. and the North Vietnamese delegations, Cyrus R. Vance and Colonel Ha Van Lau, discuss procedural arrangements.

May 11—After a second meeting, Vance reveals that procedural details of the meeting have been set. The initial talks will be restricted to the U.S. and North Vietnam, South Vietnam and the National Liberation Front, the political arm of the Vietcong, will be excluded.

May 13—In Saigon, an American general and a South Vietnamese general issue a statement announcing that the enemy attack on Saigon has been repulsed.

W. Averell Harriman, chief U.S. delegate, and Xuan Thuy of North Vietnam

open substantive talks in Paris on the Vietnamese war.

May 15—A South Vietnamese government spokesman charges that Chinese Communist advisers accompanied Vietcong rebels in their recent attack on Saigon.

May 21—North Vietnamese forces attack 3 major U.S. military installations in the northern provinces of South Vietnam.

May 22—Meeting for the fourth time in 10 days, the U.S. and North Vietnamese delegates accuse one another of escalating the fighting during the Paris peace talks. Xuan Thuy demands that the U.S. stop all bombing of North Vietnam and warns that the U.S. will "bear the full responsibility" if the talks fail. Averell Harriman suggests that North Vietnam stop its "violations of the demilitarized zone."

British Foreign Secretary Michael Stewart arrives in Moscow to talk with Soviet Foreign Minister Andrei Gromyko about possible Soviet-British action to bring about a Vietnamese settlement. Britain and the U.S.S.R. were cochairmen of the 1954 Geneva Conference on Indochina.

May 23—The last two weeks have seen a higher American death toll in Vietnam than at any period in the war, according to a statement issued today by the U.S. military command.

North Vietnamese troops return to the Ashau valley as the Americans end their sweep of the area.

May 24—North Vietnamese spokesmen claim that the U.S. has intensified the ground war.

May 26—Deputy chief negotiator Cyrus Vance returns to the U.S. to brief President Johnson on the peace talks.

May 28—President Johnson urges Hanoi to move from propaganda to the realistic and constructive work of bringing peace.

## **ARGENTINA**

May 3—A Supreme Court decision upsets the government's ban on three publications critical of the Ongania regime.

May 8—It is reported that Argentine aircraft

are searching for Chilean intruders in the southernmost part of Argentina's Tierra del Fuego territory. Argentine and Chilean naval vessels are reported cruising in nearby waters anticipating an incident over three small islands awarded to Chile by a border treaty of 1881. Argentina claims the islands.

## **BELGIUM**

May 11—Paul Vanden Boeynants, outgoing Premier, agrees to King Baudouin's request to form a new cabinet, replacing the one that collapsed February 7.

May 16—An agreement to form a coalition government under outgoing Premier Vanden Boeynants is being sought by leaders of the Social Christian party and the Socialist party.

May 23—Students at the Free University of Brussels demonstrate to force changes in curriculum and teaching methods.

May 25—The rector of the Free University of Brussels agrees to student demands for broad reforms. He keeps police away from the campus to avert violence.

May 27—Protesting the lowering of dairy support prices by the European Common Market, 5,000 farmers stage a protest in Brussels.

## **BRAZIL**

May 1—Governor Roberto Costa de Abreu of Sao Paulo State is stoned and injured while addressing a May Day rally.

May 5—Police in Belo Horizonte break down student barricades and rescue 22 professors of the medical school of the University of Minas Gerais who have been held hostage for several days. Economics professors held as hostages at the university were previously released in response to a presidential order.

May 12—Minister of Justice Luis Garnae e Silva tells the press there is a relationship between the purchase of tracts of land by U.S. landowners and the recent massacre of the Brazilian Indians. He hints U.S. landowners may be held responsible for

the mass killing of Brazil's Indians by inoculating them with smallpox, mixing arsenic in their gift sugar, bombing and shooting them.

May 14—The U.S. signs a new Food for Peace agreement providing for the sale of 2.5 million tons of wheat to Brazil.

May 17—A Soviet ship, which has been held in Santos for a week by Brazil, is ordered released after the Soviet embassy apologizes for its unauthorized presence in Brazilian waters.

## CANADA

May 11—Newly installed Prime Minister Pierre Elliott Trudeau urges direct contacts with Communist China as a contribution to international order and stability.

## CHILE

(See also *Argentina*)

May 25—A group of university students seizes the government's radio station in support of demands for university management reforms.

## CHINA, PEOPLE'S REPUBLIC OF (Communist)

May 1—Western and Nationalist Chinese analysts of Communist Chinese affairs report that a new period of militance and vociferous loyalty to Chairman Mao Tse-tung seems to be under way.

May 3—Announcement of a new revolutionary committee ruling Shensi Province is made in the Chinese Communist press.

May 6—New organizations of paramilitary forces replace the old public security and militia forces on a national level. The new forces are responsible to revolutionary committees.

Establishment of a new revolutionary committee in Chengtu, capital of Szechwan Province, is announced.

May 17—The official Communist press charges Chief of State Liu Shao-chi with "representing the interests of the Kuomintang [Nationalist Chinese]."

## CUBA

May 11—It is reported that in an effort to spur lagging production the government has issued guidelines for strengthening labor discipline, increasing work norms and lengthening the work day.

## CZECHOSLOVAKIA

May 1—A spontaneous street demonstration by hundreds of thousands of Czechs hail party chief Alexander Dubcek for his democratizing moves in Czechoslovakia.

May 2—A high ranking economic official says that a new Russian loan will be used to buy manufacturing licenses from Western countries to reorganize industry.

May 3—Dubcek flies to Moscow for meeting with the Soviet government.

May 9—A Czech radio broadcast urges Moscow not to interfere with the liberalizing moves in Czechoslovakia.

President Ludvik Svoboda declares the country is determined to pursue its liberalizing policies.

May 10—The official Czech news agency says that Czechoslovakia was told in advance of Soviet army maneuvers near the Czech border reported yesterday.

May 13—The government asks for popular suggestions on government practices. The party newspaper is printing the questionnaires.

May 14—Premier Oldrich Cernik promises sweeping changes in economic and political affairs, including a new constitution guaranteeing the rights of minorities, and freedom of the press and of assembly. The economy is to be competitive, and free enterprise is to be encouraged.

May 17—Dr. Jiri Grosopic, a member of the Institute of State and Law, announces a program to federalize the country, creating equal Czech and Slovak sections.

Soviet Premier Aleksei Kosygin makes surprise visit to Czechoslovakia.

Official Czech sources declare that the Soviet Union has decided to accept the new liberalized regime.

May 25—The government announces that

the foreign minister will no longer be responsible to the Communist party, but will act instead directly under the Premier.

## **DAHOMEY**

May 12—The military regime voids last Sunday's national election because a boycott kept three-fourths of the voters from going to the polls.

## **DOMINICAN REPUBLIC**

May 17—President Joaquin Balaguer's Reformist party is declared winner of yesterday's local elections, by a slimmer margin than its 1966 victory.

## **FRANCE**

May 6—Police and students clash in Paris as students struggle for greater control of university policy. Ninety police and students are injured.

May 8—The Cabinet agrees to reopen 2 universities if violence ends.

President Charles de Gaulle warns students against further rioting.

May 11—Some 30,000 students charge police lines. More than 1,000 are injured and 800 are arrested.

Two large labor federations vote to call a 24-hour nationwide strike in support of students to protest police violence in quelling demonstrations.

May 14—Thousands of students occupy the Sorbonne and refuse to permit the continuation of classes. The resignations of two cabinet officials are demanded.

May 16—Premier Georges Pompidou calls up reserve units of gendarmes.

May 17—Some 100,000 strikers occupy factories in all parts of the country.

May 18—President de Gaulle holds talks with government aides as strikes widen.

May 20—Millions of additional workers join the spreading strike, virtually paralyzing the country.

May 21—The strikes spread to include the central Bank of France and the nation's nuclear installations.

May 22—Black markets appear in Paris as

hoarding strips the shelves of food markets.

The National Assembly defeats a motion of censure against the government by a margin of 11 votes.

May 23—French police spokesmen tell the government that the police sympathize with the strikers; they warn officials not to force them to oppose the workers.

May 24—Several hundred students and police are injured as they clash in the Latin Quarter of Paris.

Strikes spread to several newspapers.

De Gaulle addresses the nation on television, promising to resign if a proposed referendum is defeated. Newspapers are generally critical of his speech.

May 25—New violence erupts in student demonstrations. Fires are set in the Paris Stock Exchange building.

May 27—French workers reject government offers. 35,000 workers and students rally in Paris to demand the end of the Gaullist regime.

May 28—The economic paralysis in France causes a loss of francs and gold from France's holdings.

May 30—Faced with continuing strikes, de Gaulle cancels the promised June 16 referendum and dissolves the National Assembly. He forbids export of capital from the country, and warns the nation he will take all necessary measures to prevent a "Communist dictatorship."

May 31—De Gaulle shifts Cabinet members. Pompidou remains Premier. Foreign Minister Maurice Couve de Murville changes posts with Minister of Finance and Economy Michel Debré. Eight ministers are removed.

General elections are scheduled for June 23.

## **GERMANY, DEMOCRATIC REPUBLIC OF (East)**

May 15—The official party newspaper attacks reforms in Czechoslovakia and calls for the overthrow of liberalizing elements there.

May 21—A number of border incidents are

reported along the old Prussian border near Wolfsburg. East Germans declare the 1945 demarcation line wrongly gave West Germany 500 acres.

## GERMANY, FEDERAL REPUBLIC OF (West)

May 4—Foreign Minister Willy Brandt urges a trade pact between European Economic Community members and the nations applying for membership in order to narrow the gap between the two groups.

May 8—Four-month prison terms are given 2 Berlin policemen for beating students during a demonstration last June.

May 11—Some 30,000 demonstrators protest the emergency legislation pending in the *Reichstag* (Parliament) to permit the government to suspend parliamentary government during a crisis.

May 14—Student leader Rudi Dutschke undergoes a second operation following his injury by a rightist student on April 11. Doctors say Dutschke is in good condition.

May 15—Students all over West Germany demonstrate in protest against the suspension-of-parliament emergency legislation.

May 18—Members of the Social Democratic party in Baden-Wurttemberg vote to discontinue the coalition with the Christian Democratic party.

May 27—Britain, France and the U.S. agree to relinquish to Germany their last remaining occupation rights as soon as the Bonn government enacts new emergency laws.

Students continue to protest the enactment of such laws.

May 30—The *Bundestag* (lower house of Parliament) votes final passage of the suspension-of-parliament emergency laws. Final voting in the *Bundesrat* (the upper house) is scheduled for June 14.

## GREECE

May 1—Two leading Greek politicians are placed under house arrest for criticizing the military government.

May 2—The government arrests a third politician, former Vice President of Parlia-

ment Iakovos Diamantopoulos, for anti-regime activities.

May 10—Censorship of Greek newspapers ended.

May 12—Censorship of Greek magazines abolished.

May 14—Civil defense legislation is widened to include mobilization powers for the government if the nation's economic or social life is threatened.

May 28—Constitutional rights of peaceful assembly and free association for "professional and labor" associations are restored by the military government. Political association is still barred.

May 31—Filling vacancies created May 21 when 30 judges were dismissed, the military government names a new President, Vice President, and Chief Prosecutor of the Supreme Court.

## HAITI

May 20—The Haitian embassy in Washington reports that a World War II-style B-25 bomber dropped several bombs on Port-au-Prince this morning.

May 21—Haitian Ambassador to the U.S. Arthur Bonhomme announces that the Haitian Army has crushed an invasion attempt by some 20 to 30 Haitian exiles operating from Great Iguana Island in the Bahamas.

May 23—The government says an invasion force that landed on May 20 has taken over a small village 25 miles east of its landing point near Cap-Haitien on the north coast.

## INDIA

May 1—India and the U.S.S.R. sign a draft agreement to collaborate on the development of peaceful uses of atomic energy.

May 10—India's goal of 8 million tons of food grain production will not be reached this year, the Agriculture Ministry reveals. Experts foresee a 6-million ton yield, 2 million better than any previous year.

May 11—The government expresses concern over a new rash of riots between Hindus and Muslims in many parts of the country. 250 people have been killed this year.



May 16—The Congress party regains control of Haryana State in an Assembly election. Haryana has been under federal rule since November, 1967, when Haryana's coalition regime was unable to keep order.

## **ISRAEL**

(See *Intl, Middle East Crisis*)

## **ITALY**

May 21—Returns from today's national election show Communist party gains at the expense of the Socialist party. The ruling coalition of Christian Democrats, Socialists and Republicans under Premier Aldo Moro remains in control of both houses.

## **JAPAN**

May 28—The ruling Liberal-Democratic party adopts a long-range redevelopment plan for urban and rural land use.

## **NIGERIA**

May 2—Agreement to hold peace talks is reached between Nigeria and the break-away Eastern region of Biafra.

May 4—Biafran demonstrators threaten to destroy British-owned property unless Great Britain stops helping the federal government.

May 6—Preliminary peace talks begin in London.

May 19—The federal government announces the capture of Port Harcourt from the Biafrans.

May 23—Peace talks open in Kampala, Uganda.

May 25—The Biafrans demand a cease-fire before beginning talks.

May 31—Biafran delegates leave Uganda, ending the peace talks.

## **PANAMA**

May 14—Violence in the wake of yesterday's presidential elections claims two lives and causes a dozen injuries. The opposition candidate, Arnulfo Arias, is believed to have won; the election tribunal, believed to be heavily weighted in favor of the Government candidate, David Samudio,

says it will issue no official returns in view of the disorders.

May 17—The National Guard announces it will support the winner of the vote count that begins tomorrow.

May 20—First returns of the official counting of votes reveal that Arnulfo Arias' National Union is slightly ahead of David Samudio's People's Alliance.

May 22—Five persons are wounded in a shooting incident between partisans of the major contenders in the presidential elections. The election board is reviewing the count.

May 25—The bodyguard of Joaquin Franco, Jr., the minister of government and justice, is shot dead as he sits alone in an automobile.

It is reported that Samudio was trailing Arias by some 10,000 votes when the counting of the election results was discontinued May 23 in a dispute over procedure.

May 30—The National Electoral Tally Board declares Arias the official president-elect by a majority of 41,545 votes.

## **PERU**

(See also *U.S., Foreign Policy*)

May 17—Police report one person killed and 10 injured when students blew up two bridges and attacked the local police station yesterday in Huarás to press demands for a new technical university.

May 31—Oswaldo Herccelles is named Premier by President Fernando Belaunde Terry.

## **POLAND**

May 10—A ban on travel by Western diplomats in Poland is lifted.

May 11—The Polish Communist party meets to criticize Czech moves toward liberalization.

May 16—The Communist party changes college entrance requirements to favor the admission of workers' children.

## **PORTUGAL**

May 16—More than 1,000 people sign a petition against the deportation of Mario

Soares, leader of the opposition against the Salazar regime.

## RUMANIA

May 1—Western political observers attribute President Nicolae Ceausescu's condemnation of 3 party leaders to his drive to consolidate his control.

May 4—Relations between the U.S.S.R. and Rumania are said by authoritative Rumanian sources to be increasingly hostile. The government reaffirms its belief that no Communist party has the right to interfere in the affairs of another.

## SOUTH AFRICA

May 3—The Parliament passes a bill to take all political rights away from the 1.8 million nonwhites and to set up a separate colored legislature.

May 7—The small Liberal party is disbanded following the ban on colored members in South Africa's ruling white Parliament.

## SOUTHERN YEMEN

May 11—It is reported that talks with Britain on financial assistance for Southern Yemen are deadlocked.

May 16—An official spokesman announces that an anti-government rebellion has been crushed by government forces.

## SPAIN

May 11—Seven members of an illegal workers commission are sentenced to prison for terms ranging from 6 months to 4 years.

May 22—In response to recent student unrest, the government announces some reforms in the operation of major universities.

May 25—The official labor union organization fails to produce expected reforms in its three-day national meeting.

May 31—For the first time since General Francisco Franco took power, a Madrid newspaper is closed for anti-government statements.

## SWEDEN

May 25—Several hundred students protest-

ing proposed university reforms battle police in Stockholm.

## SYRIA

May 22—Three opposition parties unite in the announced hope of overthrowing the ruling Baath party.

## U.S.S.R., THE

(See also *Czechoslovakia, India; Intl, Disarmament*)

May 1—The Soviet government discloses an offer of a \$400-million credit to Czechoslovakia, to purchase Czech goods which Russia usually buys from the West.

May 4—The government announces ratification of a consular exchange treaty with the U.S. The treaty has been stalled for 4 years because of tension between the countries over the Vietnamese War.

May 6—Soviet President Nikolai Podgorny voices restrained endorsement of Czech government reforms.

May 7—The Soviet press assails Czech and U.S. papers for suggesting Soviet responsibility for the death of Czech Foreign Minister Jan Masaryk 20 years ago.

May 10—Soviet government spokesmen reject Western protests against East German interference with travel to West Berlin.

May 14—Nikolai Baibakov, chairman of the State Planning Committee, tells Soviet economists the government is allocating more money for computers. Industrial incentives will be raised and housewives are urged to take jobs.

## UNITED ARAB REPUBLIC, THE

(See also *Intl, Middle East Crisis*)

May 3—A plebiscite approves the policies of President Gamal Abdel Nasser by 99.9 per cent. Voting is obligatory, and 98.2 per cent of the eligible voters turn out.

May 15—A new industrial complex is planned with \$800 million in Soviet aid.

## UNITED KINGDOM, THE British Territories

*Bermuda*

May 22—Election returns in the first election

under universal suffrage give the conservative United Bermuda party a large majority. White legislators will hold 30 of the 40 seats.

## UNITED STATES

### Civil Rights

May 2—In Memphis, Tennessee, Ralph David Abernathy opens the "poor people's march" on Washington, D.C., leading some 1,000 singing marchers out of Memphis.

May 3—President Lyndon B. Johnson warns of the "many inherent dangers" in the projected "poor people's march."

May 24—In Washington, informed sources reveal statistics show that Southern school desegregation has moved more slowly than federal officials have admitted: less than 14 per cent of Negro children in the South are said to attend "integrated" schools, i.e., schools with 50 per cent or more white students.

### The Economy

May 7—Government-supported home mortgage interest rates are increased to 6.75 from 6 per cent.

May 8—The Department of Labor reports that the national unemployment rate in April, 1968, dipped to 3.5 per cent of the labor force; the unemployment rate for Negroes is more than double the rate for white workers.

### Foreign Policy

(See also *Intl, Disarmament, War in Vietnam*)

May 8—President Johnson promises that the U.S. military presence in South Vietnam "will diminish and disappear" as the South Vietnamese government gains stability.

May 15—Congress is notified that the U.S. has stopped all development aid loans to Peru for the 1968 fiscal year because Peru has ordered 12 French mirage supersonic jets at a cost of more than \$20 million. Under an amendment to the 1968 foreign aid appropriation bill, the U.S. must reduce aid to a developing recipient nation by an

amount equal to that which such a recipient is spending on advanced weapons.

May 16—In a joint communiqué after two days of talks, President Johnson and Tunisian President Habib Bourguiba pledge to support a just settlement of disputes in Vietnam and in the Middle East.

May 17—Vice President Hubert Humphrey tells an audience at the University of Maine that the conferees in Paris have agreed to allow both sides to bring whatever representatives they choose to the negotiating table. Within an hour, an aide explains that the Vice President did not intend to say that there had been new developments at the Paris talks; the question of who will participate in the peace talks has not been discussed in Paris.

Defense Secretary Clark Clifford tells the Senate Foreign Relations Committee that the U.S. should give Greece military aid regardless of her form of government. Since a military junta seized power in Greece a year ago, military aid to that nation has been suspended.

May 22—The Department of Commerce reports that U.S. trade with the U.S.S.R. and its East European satellites diminished in 1967; the total—\$372.3 million—was some \$3.9 million less than total trade in 1966.

May 26—The President greets Australian Prime Minister John Gorton on his arrival for a 2-day conference.

May 27—Former New York Mayor Robert Wagner is named ambassador to Spain, succeeding Angier Biddle Duke.

### Government

May 7—In an action designed to clear titles and end legal uncertainties on public lands, the Interior Department wipes out 5,200 mining claims on federally-owned shale lands in Colorado and Utah, possibly the richest oil reserve in the world. The lands are not subject to the provisions for filing claims on public lands outlined in the Mining Act of 1872.

May 14—Secretary of the Department of Housing and Urban Development Robert

Weaver says he plans to leave government service after the November, 1968, election, regardless of its outcome.

May 21—Dr. James L. Goddard, commissioner of the Food and Drug Administration, resigns after 28 months of service.

The Senate deletes from Title II of the omnibus crime bill provisions to deny to the Supreme Court and to lower federal courts the power to review claims that state courts violate defendants' constitutional rights. Remaining in the act are provisions that voluntary confessions and eyewitness identifications must be admitted into evidence in federal trials and that no confession shall be ruled inadmissible solely because it was given during a period of unreasonable delay between arrest and arraignment.

May 22—Congress sends the White House a far-reaching "truth in lending bill" as part of a program to protect consumers from unreasonable and often concealed high interest rates on loans and credit purchases.

Former Postmaster General John A. Gronouski resigns as ambassador to Poland; he is expected to join the campaign staff of Vice President Humphrey.

May 23—The Senate votes 72 to 4 to accept the crime bill as amended; the bill goes to a Senate-House conference committee.

May 24—The President signs a bill to extend the life of the Arms Control and Disarmament Agency 2 years after June 30, 1968. The agency was created in 1961 to advise the President on arms control programs.

May 30—The President agrees to accept a \$6-billion cut in the budget if Congress attaches this condition to its provision for a 10 per cent tax surcharge.

## Labor

May 1—Federal Court Judge Constance Baker Motley orders the National Maritime Union to produce membership lists and other documents the Department of Labor has requested as part of its inquiry into alleged harassment of N.M.U. members by the union.

May 3—A tentative agreement is reached by 18 Bell Telephone System companies and the Communication Workers of America (representing 23,000 Western Electric installers); wage increases and other benefits are estimated at nearly 20 per cent for 222,000 employees, over a 3-year period.

May 5—The 18-day nation-wide telephone strike ends.

May 8—Most telephone workers return to work. Picketing continues in some plants in Michigan, Ohio, Illinois and Connecticut.

May 13—A.F.L.-C.I.O. president George Meany warns that the United Auto Workers will automatically be suspended from the A.F.L.-C.I.O. on May 16 unless the union pays at least one month's affiliation tax; the U.A.W. owes about \$90,000 a month in back dues for February, March and April.

May 16—The U.A.W. is automatically suspended from the A.F.L.-C.I.O. for failure to pay dues.

May 19—The Communication Workers of America announces that in a new vote telephone installers have accepted the contract offer that ended the telephone strike May 5, after originally rejecting the contract.

## Military

May 13—The Department of Defense reveals that 4,719 military and 1,219 civilian jobs will be eliminated as part of its projected overhaul of U.S. defenses against enemy air attack; changes to be effected before July, 1969, will also involve closing many air defense installations. The plan aims to make U.S. air defense cheaper, smaller and more effective.

May 21—Forty-two F-111 fighter-bombers are grounded by the Air Force for repair of defective hydraulic valves. Some F-111's have been restricted since one crashed May 18 in Nevada. Three F-111's have crashed in Southeast Asia. The five now in Thailand are grounded until the defective parts have been modified.

May 27—The U.S. nuclear-powered sub-

marine *Scorpion*, with a 99-man crew aboard, is reported overdue and missing.

## Politics

May 7—New York Democratic Senator Robert F. Kennedy wins over Minnesota Democratic Senator Eugene McCarthy and Indiana's Democratic Governor Roger Branigan for the Democratic presidential nomination in the Indiana primary. With no Republican in opposition, former Vice President Richard Nixon accumulates a significant total vote for the Republican presidential nomination.

May 14—Robert Kennedy wins some 52 per cent of the vote for the presidential nomination in the Nebraska primary; McCarthy wins 30 per cent; in a write-in campaign, Vice President Hubert Humphrey wins 10 per cent. For the Republicans, Nixon wins 69 per cent of the vote; Republican Governor Ronald Reagan of California wins almost 25 per cent.

May 18—In Maine, Democrats approve a delegation to the nominating convention weighted in favor of Vice President Hubert Humphrey, with Democratic Senator Edmund S. Muskie their favorite son on the first ballot.

May 20—New York Governor Nelson Rockefeller says he detects no significant "ideological gulf" between himself and California Governor Reagan, a fellow Republican.

May 25—Robert Kennedy wins 25 of Iowa's 46 votes for the Democratic presidential nomination; Humphrey wins 9½ votes; McCarthy wins 5 votes; 6½ votes are uncommitted.

Humphrey wins 10 delegate votes in a preferential poll at the Vermont state Democratic convention; Kennedy is second with 7 votes; McCarthy third, with 5 votes.

May 27—A majority of Pennsylvania's delegates to the Democratic National Convention vote to support Humphrey for the presidential nomination.

May 28—McCarthy wins in the Oregon Democratic primary. Returns show Mc-

Carthy gaining 45 per cent; Kennedy receives 39 per cent; Humphrey draws 3 per cent on a write-in.

## Student Protests

May 1—A Cornell University student-faculty-administration investigating commission issues a 55-page report on the April 4 7-hour seige of the economics department by Negro students protesting the allegedly racist remarks of a visiting professor; the commission suggests that the university should refrain from severely punitive action against the demonstrators.

May 5—The faculty of Columbia College decides to end formal classes for the rest of the current semester, in light of continuing disturbance at the university. (See *United States, Student Protests, Current History*, June, 1968, p. 379.)

May 6—Protesting students hold sit-ins at the predominantly Negro Cheyney State College, near West Chester, Pennsylvania; at Goddard College in Montpelier, Vermont; and at Stanford University, in Palo Alto, California.

May 8—Students stage a sit-in protest at Roosevelt University in Chicago.

In the wake of student protests, the University of Chicago announces it will withdraw from the Institute of Defense Analyses, in which 12 universities undertake research for the Department of Defense. University affiliation with the I.D.A. has also been protested by students at Princeton, Columbia, and Michigan; Chicago is the first university to withdraw formally.

May 9—Students stage protests at Southern Illinois, at Marquette, at Temple and at Stanford.

May 16—Some 300 students end a 10-day sleep-in at Florida State University. After a student boycott, Delaware State College is closed by its trustees.

May 20—Some 650 National Guardsmen are ordered on standby alert because of violence on the campus of Ohio University last night during a student demonstration.

Thirty-eight militant New Left students



are expelled from Brooklyn College after they seized the registrar's office.

May 22—Sixty-eight persons are injured as police clear the campus in another outbreak of violence at Columbia University.

### Supreme Court

May 20—The Court rules 6 to 3 that illegitimate children are entitled to equal legal rights, in a decision that prevents Louisiana from applying a law barring illegitimate children from recovering damages for the negligent deaths of their parents.

In 5 decisions, the Supreme Court rules on 15 cases concerning the rights of criminal defendants and convicted persons. The court rules: that the federal constitutional right to a jury trial in criminal cases binds the states; that in all except petty cases, defendants charged with criminal contempt in state courts are entitled to jury trials; that a state prison inmate serving the first of 2 consecutive sentences may attack the second conviction in federal habeas corpus proceedings, even if he is not in custody because of the second conviction; that a state prison inmate using a federal habeas corpus proceeding to challenge his conviction can press to a final decision in the appellate courts, even if his sentence has been served and he is no longer in custody; that in joint federal trials of several codefendants, a confession of one of the defendants cannot be admitted in evidence if it incriminates his codefendants.

May 27—In a 7-1 ruling, the Court upholds a 1965 law making it a crime to burn or otherwise mutilate a draft card. (For excerpts from this ruling, see *Current History*, Aug., 1968.)

The Court rules unanimously that if they are not as effective as other methods, "freedom of choice" desegregation plans in the South are inadequate; it declares that in implementing its 1954 decision, "delays are no longer tolerable."

### VENEZUELA

May 6—A Venezuelan Army intelligence official says that documents recently found on

guerrillas killed in western Venezuela indicate that former Dominican constitutionalist leader Francisco Caamaño Der has replaced the late Ernesto Che Guevara as Cuban Premier Fidel Castro's Latin American guerrilla leader.

### VIETNAM, DEMOCRATIC REPUBLIC OF (North)

May 7—The nation celebrates the 14th anniversary of the defeat of the French at Dien Bienphu.

### VIETNAM, REPUBLIC OF (South)

May 1—Truong Dinh Dzu, who ran as a peace candidate in the 1967 presidential election, is arrested, reportedly for having urged the formation of a coalition government as a step toward ending the war.

May 10—The House of Representatives approves a general mobilization bill; men 18 to 33 years of age are now eligible for the draft.

May 18—The Cabinet resigns in a bloc, and President Nguyen Van Thieu immediately appoints Tran Van Huong as Premier. Mr. Huong ran fourth in the presidential elections last year.

May 21—The leader of the revolutionary Democratic Viet party, Ha Thuc Ky, refuses the post of Minister of State in the new cabinet, demanding the post of First Deputy Premier.

May 25—New Cabinet appointments are announced in Saigon. Observers view the selections as a triumph for President Thieu over Vice President Nguyen Cao Ky.

### ZAMBIA

May 20—The government of Zambia grants recognition to Biafra, the former Eastern Region of Nigeria. Zambia becomes the fourth African country to take this step; the others are Tanzania, Gabon and the Ivory Coast. The federal government of Nigeria has retaliated by severing diplomatic relations with the four countries.

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